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HONOLULU, H. T., FRIDAY, JANUARY 1, 1904—SEMI-WEEKLY.

WHOLE No. 2551.

FLESH TRAMPLED FROM BODIES AT IROQUOIS FIRE

(ASSOCIATED PRESS CABLEGRAM)

CHICAGO, Dec. 31.—The holocaust at the Iroquois theater on Randolph street between Dearborn and State, which occurred during the production of "Mr. Bluebeard," was the most distressing of any that ever occurred in the United States. No less than 562 dead bodies have been taken from the theater, besides a large number of injured, many of them fatally.

The cause of the fire was a faulty electric wire which ignited the scenery. An attempt was made to drop the asbestos curtain but the latter stuck half way, while the flames spread as through tinder. The gas tanks took fire and exploded, spreading the flames into the auditorium. The theater was crowded with an audience consisting mainly of women and children who fought tooth and nail to escape. The exits were jammed with a struggling, shrieking, dying mass of humanity. Flesh was trampled from bodies in the mad rush for safety. But a few people were burned to death, the most of the victims being asphyxiated and then mangled under foot. An unfinished fire escape proved to be a death trap. The actors escaped by the stage exits. Many prominent families suffered losses. While the fire was in progress the police had great difficulty in handling crowds of frantic relatives.

WASHINGTON, Dec. 30.—Minister Squires returned to Cuba today.

WASHINGTON, Dec. 30.—Japan and Costa Rica have recognized the Panama Republic.

PORT OF SPAIN, Dec. 30.—The cruiser Detroit has been ordered to San Domingo to relieve the Scorpion.

SAN FRANCISCO, Dec. 30.—The gunboat Bennington with the torpedo boat destroyers Preble and Paul Jones sailed for Panama today.

WASHINGTON, Dec. 30.—The Federal Department of Commerce will assume charge of and pay for the Hawaii lighthouse service after January 1st, as a part of the Twelfth Lighthouse District. The assistant inspector will reside in Honolulu.

CHICAGO, Dec. 30.—A veritable harvest of death occurred at the new Iroquois theatre today, caused by an outbreak of fire during the course of a matinee performance of Bluebeard.

The house was crowded and the alarm of fire from the stage immediately spread panic throughout the audience. The flames made headway with terrific rapidity and in a very short time the mass of struggling human beings were enveloped in fire.

From 300 to 500 persons are believed to have perished in the holocaust. The bodies are piled in charred heaps within the theatre and at all the exits. Many tried to escape from the balconies and were cut off by the flames, only to be turned back to meet death in the seething furnace of the burning theater interior. Scores of persons were injured and it is impossible at this time to give a list of those killed. Many of the employees were lost in the flames.

The fire and police departments responded quickly but the men were unable to accomplish much to save life or property on account of the fearful rapidity with which the flames spread and the impossibility of controlling the panic-stricken people.

MR. IAUKEA WILL DISPUTE THE BOND

Jurist P. Iaukea, the elected assessor of Oahu county, in the Treasurer's office yesterday showed an Assessor's report to prove that the Board of Supervisors exceeded the demands of the County Act in fixing the amount of his official bond.

"More than 75 per cent of the \$390,000, which was represented to have been in Assessor Pratt's hands in one day," Mr. Iaukea said as he referred to the memoranda, consisted of checks. These checks represented deposits in banks subject to the order of the Treasurer, therefore could not rightly be classed as money in the hands of the assessor.

"Moreover, the \$390,000 and odd constituted the collections of five days, the last collection days without penalty at that, which always yield the heaviest receipts of the tax office."

"The checks on bank deposits amounted to \$271,010.79."

Mr. Iaukea did not attribute malicious intent to the Supervisors, but considered they had been misled by the figures as explained to them. He hinted plainly at taking legal steps for compelling a revision of the bond proceeding, should the Supervisors refuse to reconsider their action and bring the amount within the reasonable intent of the law as he understands it.

One of the amusing suits filed by Assessor James W. Pratt against a Honolulu for his last year's income tax, turned up yesterday when a man received a summons to pay an income tax of ten cents.

This amount was assessed on his income for 1902. The suit came up in the court yesterday, but having been settled beforehand, was dismissed. The defendant, however, had to pay \$4.50 in addition to the ten cents.

OFFICE ABOLISHED TO SAVE SALARY

Governor Carter has accepted the resignation of Theodore F. Lansing as Commissioner of Immigration, and will probably issue a commission to the Secretary of the Territory or some other official to perform the duties of the office. As a self-contained position with a salary annexed to the office, for the present at least, abolished. It was created, or rather recreated from pre-annexation existence, by the last Legislature for the purpose of promoting the introduction of settlers and field laborers.

In making the announcement yesterday afternoon, the Governor wished it distinctly understood that the acceptance of Mr. Lansing's resignation was no reflection on his handling of the business.

THURM RETIRES AFTER TODAY

Thos. G. Thurm will retire after today as Registrar of Conveyances, a position he has held continuously for fifteen years, through the successive changes of government. Mr. Thurm became registrar in January, 1888, and has served faithfully under the monarchy, provisional government, republic and territory. His work will be taken over by the county clerk, H. E. Murray.

E. H. Austin of Hilo has filed suit against William T. Paty and Elizabeth W. Paty, his wife, to recover \$2353.33. The plaintiff claims that on or about October 6, 1900, the defendants executed and delivered a promissory note to him for \$2,000. Principal and interest now amount to \$2353.33.

COUNTY ACT TEST CASE ARGUED AND SUBMITTED

The County Act test case was argued and submitted before the Supreme Court yesterday, together with Treasurer Kepolaka's case against the same enactment by permission. It occupied a full court day. There was no sham fight element apparent, but an earnest and powerful presentation of each side of the question—this being the validity or invalidity of the measure as a whole.

C. R. Hemenway, H. E. Cooper and S. H. Derby in turn argued against the validity of the Act. It was defended by A. S. Hartwell and Wm. T. Rawlins. J. A. Matthewman closed the argument on behalf of the Territory for the writ of quo warranto.

The full court was present, viz: Chief Justice W. F. Frear and Associate Justices C. A. Gaibraith and A. Perry.

An abstract of the briefs filed is given below, which forms as full a report of the substance of the speeches as could be furnished in available space:

SUMMARY OF THE PLAINTIFF'S BRIEF

The brief for the plaintiff in its opening statement, states the main case thus:

STATEMENT.

On December 24th, 1903, a petition for a writ of quo warranto was brought by the plaintiff to the First Judge of the Circuit Court of the First Judicial Circuit, praying that the defendants be required to show by what authority they claimed to act as Supervisors of the County of Oahu, Territory of Hawaii. On the same day the defendants answered, claiming to act as such Supervisors by virtue of Act 31 of the Session Laws of 1903 of the Territory of Hawaii. The matter having been submitted, an order was made dismissing the petition, from which order the plaintiff has appealed to this Court.

ARGUMENT.

It is contended by the plaintiff that the said Act 31, known as the County Act, is invalid, because in contravention of an act of Congress entitled, "An Act to Provide a Government for the Territory of Hawaii," approved April 30th, 1900, known as the Organic Act, the particular grounds of objection being as follows:

1. That the County Act provides for elective boards of a public nature, instead of boards appointed by the Governor, as required by the provisions of said act of Congress.

2. That the County Act requires certain appointive territorial officials, as, for instance, the Superintendent of Public Works, to surrender to certain elective County officials, the care and custody of public property entrusted to the charge of such appointive territorial officials under the provisions of said act of Congress.

3. That the County Act contains two subjects, in violation of said act of Congress.

4. That the County Act, as amended, never passed the House of Representatives.

ELECTIVE BOARDS.

The brief takes up Sec. 80 of the Organic Act, giving the Governor the appointing of "boards of a public character," and admitting the election of the Supervisors, denies that boards under the County Act are exceptions to that stipulation of the Organic Act. On this the brief, which was prepared by Messrs. Matthewman and Hemenway, says:

The contention of defendants requires a forced construction of the words "other boards of a public character," necessitating, in effect, the insertion of the words, "excepting proposed county boards."

The plain meaning of the words used in this section indicates that Congress intended either that the Territory of Hawaii should have county government without supervisory boards at all, or that such boards should be appointed by the Governor.

"In some jurisdictions the corporate powers of a county are exercised by the county court, instead of by a board of county commissioners."—7 Enc. Law (2nd Ed.) 940, Note 1.

SURRENDER OF PROPERTY.

Section 91 of the Organic Act provides:

"That the public property ceded and transferred to the United States by the Republic of Hawaii, under the joint resolution of annexation, approved July 7th, 1898, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it at its own expense until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the Governor of Hawaii."

By the said joint resolution the said property included "public property of every kind and description belonging to the Government of the Hawaiian Islands."

Here the brief quotes about 30 sections of the County Act which transfers various kinds of public property, and then proceeds to say among other things under this head:

The Organic Act specifically provides that this property shall remain in the possession of the government of the Territory of Hawaii, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the Governor of Hawaii.

These transfers having been made in the County Act, either this property is placed beyond the control of the Governor, or he has the power to take away from the counties property considered necessary to their existence.

In regard to the property acquired by the United States, the Territory of Hawaii stands in a trust relation. It is one thing for Congress to entrust public property to appointive officials responsible, in the last instance, to the President, and another thing for such property to be left to the control of elective officials.

If the possession, use and control of property belonging to the United States can not be transferred from the Territory of Hawaii to proposed counties, the County Act is left in a condition so different from what it was when it came from the Legislature as to make it an act of legislation on the part of the court to put it in force.—Mushmeier vs. State, 11 Ind., 482, 485.

PLURALITY OF SUBJECTS.

Section 45 of the Organic Act provides: "That each law shall embrace but one subject, which shall be expressed in its title."

In considering this point, it is well to recognize and distinguish three classes of cases in violation of the principle above expressed.

First are the cases where the title embraces more than the body of the act. So much of the title as does not refer to the body of the act is to be treated as surplusage.

Secondly, there are cases where the body of the act embraces more than is indicated by the title. In cases of this sort so much of the body of the act as is not indicated by the title is void.

In the third place are the cases where the title embraces two or more subjects, referring to two or more similar subjects in the body of the act. The whole act in such instances, is void, because of the difficulty in choosing between the subjects.

It has recently been decided by this Court in the case of Dole et al. vs. Cooper, that the title to an act in question does embrace two subjects, and, in effect, reads, "An Act providing (1) for the organization and government of counties and districts, and (2) the management and control of Territorial works and institutions." It was also decided in the same case that the body of the County Act embraced two subjects.

This being so, it would be usurping the functions of the territorial legislature for this Court to declare one part of the act good and the other bad. It might be otherwise if, in the above case, the Court had treated the Board of Public Institutions as merely an excrescence. It treated it, however, as coordinate with County Government, made it equally a subject, and, because it was as much a subject as County Government, the Court held that the act violated Section 45 of the Organic Act.

It is evident from a study of the whole County Act that territorial matters were treated and considered throughout as well as matters relating to counties alone.

It is not contended by the plaintiff that the incorporation of these sections in the County Act invalidate the whole act, although the sections themselves may be invalid because not embraced in the title, but they are quoted to show that the legislature gave as much consideration to territorial matters as to county matters, and that the Territorial Board of Public Institutions was not a mere excrescence.

NOT PASSED AS AMENDED.

Section 46 of the Organic Act provides:

"That a bill in order to become a law, shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by yeas and noes and entered upon its journal."

It can hardly be disputed that the County Act, as amended in the conference committee, was not regularly passed by the House of Representatives. The question is, in part, at least, whether or not the adoption by the House, on an aye and no vote, of the committee's report was sufficient to constitute a passage of the bill.

To adopt the report meant, at most, that the House amended the bill in the manner recommended by the conference committee. It should then have placed the amended bill on its passage, but that was not done. As amended, the bill never passed the House at all.

The courts have had to decide which was the better evidence—the authentication of presiding officers, or the journal of legislative proceedings. In this case, however, the court does not have to choose between two methods of proof because the facts are admitted.

There are many cases on the proposition.

WAR IN FAR EAST NOW SEEMS TO BE INEVITABLE

(ASSOCIATED PRESS CABLEGRAMS)

LONDON, Dec. 31.—Baron Hayashi, the Japanese Minister, says that unless Russia agrees to the spirit of the Japanese proposals, war is inevitable. He believes France will not join Russia even if China co-operates with Japan.

LONDON, Dec. 31.—The Japanese government has purchased the warships Morena and Rivadavia, building in Italy, for the sum of \$7,500,000.

WASHINGTON, Dec. 31.—Minister Takahira says Japan has made its minimum proposition and that the outlook for a peaceful settlement is gloomy.

SANTIAGO, Chile, Dec. 31.—Japan is negotiating for the purchase of the battleship Capitan Prat and the Cruiser Chacabuco.

The Chilean battleship Capitan Prat is now thirteen years old. She is rated as a fourth-class vessel in comparison to battleships of other powers. The Prat is armed with four 9.4 inch guns, eight 4.7 inch guns, six 6-pounders, four 3-pounders, ten 1-pounders, five Maxims, and four torpedo tubes. At forced draught the vessel is capable of a speed of over eighteen knots. Her tonnage is 6,901 tons and she carries a crew of 480 men.

The Chacabuco is a protected cruiser, built in 1898, which Chile purchased in 1902. At forced draught this vessel makes a speed of twenty-four knots.

PRETORIA, Dec. 31.—The Legislative Council has voted for the introduction of Asiatics.

HAWAIIAN SILVER IS NOT LEGAL TENDER AFTER TODAY

After twenty years of faithful service the Kalakaua silver will pass out of existence today as legal tender. Only \$315,000 of the coin has been redeemed, and the remaining \$185,000 after today will be worth only about half of its face value, theoretically, for with all the dire predictions in the United States of what might happen if the backing of the government is withdrawn from the silver dollar, the Hawaiian coin will be worth just as much tomorrow as it is today. For, although the bullion value of the Kalakaua coin is about one half its face value, the money has a historic worth which will always keep it above par.

"Not a single dime was offered for redemption," said Cashier Cooper of the First National Bank yesterday. "Altogether we redeemed \$315,000 worth of the silver. After tomorrow the money will not be accepted as legal tender."

There were \$25,000 worth of dimes originally brought to Hawaii, when Claus Spreckels had a million dollars coined for King Kalakaua in 1883. The dimes didn't remain in circulation long, for a crowd of speculators saw a splendid opportunity to make a little money on the side and bought in the entire issue of ten-cent pieces. After that the dimes could be obtained only at a premium and they are quoted now at forty and fifty cents apiece. The remaining \$160,000 which have not been offered for redemption are probably scattered to the four quarters of the globe. The most of it, of course, is in the islands still, although a great quantity was taken away by tourists for souvenirs. The bulk of it has been used in the manufacture of jewelry—pins, cuff buttons, belt buckles and such things, while a good many thousands of dollars' worth of the coin is believed to have been melted in the big Chinatown fire. All the jewelers have laid in an extra supply of the silver coins within the past few months, and probably several thousand dollars are tied up in this way. Collectors of coin have also invested largely in the Hawaiian silver and although intrinsically the money won't be worth more than fifty cents on the dollar after today, yet the chances are that no Hawaiian dollars will be purchasable at less than a hundred cents on the dollar. It is more probable that the money will be at a premium within a few years.

All the banks have posted notices that the Kalakaua coins would not be accepted as legal tender after today. This is in accordance with the act of Congress providing for the redemption and recoinage of the Hawaiian silver. There will be no shortage in money because of the elimination of the Hawaiian coins from circulation. Large quantities of silver have been brought here only recently to take the place of that shipped to the San Francisco mint.

The Hawaiian silver has been a source of annoyance to the bankers ever since annexation as they virtually

were compelled to take the government's place in keeping the money standard at par. Neither the internal revenue collector nor collector of customs would accept anything but American gold or silver in payment of duties to the United States, and had they insisted upon this the silver would naturally have depreciated in value. To avoid an embarrassment of this kind the four banks of the city agreed with Collector Stackable and Collector Chamberlain to redeem with gold all Hawaiian silver taken in for Federal duties. Had the collector insisted on getting American money in payment of duties, the country would have been drained of silver in less than six months. The redemption of the Hawaiian coin settles all difficulties and hereafter only American money will pass muster in the Territory.

KONA LAND TO BE SOLD

Judge De Bolt has signed a decree of foreclosure of mortgage in the case of John Vivichaves vs. Manuel F. Pedro and Kaahue Kahulanui. P. Danson Kellett, Jr., is appointed commissioner to sell the property, sale to be on February 6, 1904. The property is a parcel of land at Kalaoa IV., North Kona, Hawaii, containing an area of 56½ acres, and with the amount of debt, interest, costs and attorney's fees is \$536, interest to date of sale and expenses of sale to be added.

Ninette Scott petitions for probate of the will of her late husband, John F. Scott, which names herself as devisee and legatee, also as executrix. The testator left, besides the widow, a son living at Rampart City, Alaska, and three daughters at Wapuna, Wisconsin. His estate consists of house and lot in Prospect street, Honolulu, valued at \$5,000, and personal property consisting of a horse valued at \$75 and a half interest in a gold mine in Alaska, value unknown.

Judge Robinson has signed an order granting the petition of Thomas Paine Harris, guardian of his five minor children, for leave to surrender an insurance policy in exchange for a new one, the petitioner having satisfied the court that the transaction is for the best interests of the minors.

In the ejectment suit of Agnes C. Galt vs. Lulia Waiianuha, Judge Robinson granted a voluntary nonsuit and dismissed the action at plaintiff's cost. Bailor for plaintiff; Withington for defendant.

The Orpheum Co. Ltd., files a general denial to the complaint of Thomas S. Kay.

HAWAII AT WASHINGTON

Lawyers Hatch and Lewis Before Congress.

[Mail Special to the Advertiser.]

WASHINGTON, D. C., Dec. 17.—All the efforts of Hawaiian people here during the last five days have been devoted to getting Senators and members of Congress interested in pending legislation, especially the bill to confirm the county act and the bill to confirm the electric franchise, in Honolulu. Mr. F. M. Hatch is still in town looking after the former measure; Mr. A. Lewis, Jr., is here looking after the latter measure. Both bills have been introduced in both branches of Congress. Both have been given a hearing before each of the committees that have Hawaiian matters in charge.

Yesterday there was a general hearing before the House Committee on Territories. In that connection it is interesting to add that Delegate Kalanianoʻe has been made a member of the Territories Committee. This was at the request of Chairman Hamilton, who desired to have the delegate there to answer questions and present the Hawaiian side of Hawaiian matters which come up for action. "Uncle Joe" Cannon was adverse at first. "My boy," said he, "Hamilton has too large a committee already. It won't do."

"But he told me to come and ask you to put me on that committee," protested the Hawaiian Delegate.

"All right," replied "Uncle Joe." "I will put you on."

The committee now has nineteen members, as all the territorial delegates have been added to its membership but they have no vote in committee. They can only look after the interests of their constituents there.

THE HEARING IN COMMITTEE.

At yesterday's hearing the time was chiefly divided between Mr. Hatch and Mr. Lewis. No objections were presented to either bill but the members present asked a large number of questions and the local situation was fully explained. Mr. Lewis followed the outline of a statement, which has been printed by request of Senator Foraker, concerning the case of the Hawaiian Electric Company, Limited, which is seeking the renewal of its franchise. After the hearing Mr. Lewis's bill, which has been introduced in the House by the Hawaiian Delegate and in the Senate by Mr. Foraker, was referred to a subcommittee, consisting of Chairman Hamilton, Ex-Gov. Powers, of Maine, and Representative Robinson, of Indiana, the last named being the Democratic member of the subcommittee. These are all good friends of Hawaii and a favorable report is looked for speedily.

The ratification of the county bill was referred to a subcommittee consisting of Representatives Spaulding, of North Dakota, Sterling, of Illinois, and Lloyd, of Missouri, the last named being the Democrat. Some hearings before the subcommittees followed in which further details of the measures were explained.

This morning the same gentlemen appeared before the Committee on Pacific Islands of the Senate, in which virtually the same program was followed. Mr. Hatch and Mr. Lewis were heard in behalf of their respective bills. The Senators of the committee evinced an interest in the measures and there is reason to believe that Mr. Lewis's bill, at least, will be favorably acted upon. If there is to be any serious opposition, it has not yet developed.

AMENDMENT TO ORGANIC ACT.

Representative Robinson has introduced the following bill, which was referred to the Committee on Territories:

Be enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section seventy-six of an Act entitled "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, be, and the same is hereby, amended to read as follows:

"Sec. 76. That there shall be a superintendent of public instruction, who shall have the powers and perform the duties conferred upon and required of the minister of public instruction by the laws of Hawaii as amended by the Act, and subject to modification by the legislature.

"It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in reports in 1905, and every five years thereafter, statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects as Congress may by law direct. The said Commissioner is especially charged to ascertain the highest, lowest and average number of employees engaged in the various industries in the Territory; to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress."

CUBAN RECIPROCITY.

The debates on the Cuban reciprocity bill, which came to an end yesterday, contained numerous references to the sugar produce of Hawaii. The debates, as a matter of fact, had a vast deal about sugar production in general and Senators ransacked the different bureaus of the government, where statistics about sugar could be found, to get material to weave into their speeches.

It is expected that President Roosevelt will sign the bill at once, perhaps today or tomorrow and that it will immediately go into effect. The customs receipts will probably increase

enormously for a week or two, while the products, which have been held back, awaiting the enactment of the legislation, are rushed in under the lower rates of duty.

The nomination of Mr. Atkinson, to be Secretary of Hawaii, was confirmed by the Senate yesterday. There was no opposition whatever and the delay was due only to routine causes.

OUR REVENUE CUTTER.

The bill to authorize the construction of a vessel of the first class for the revenue cutter service, to be stationed with headquarters at Honolulu, is getting a good start in this Congress. Senator Perkins, of California, has had the bill before two or three Congresses. He introduced it December 10 this year, providing for an appropriation of \$225,000. The bill was considered by the Senate Committee on Commerce, of which Mr. Perkins is a member, at its last meeting and a favorable report authorized. This report was drawn by Mr. Perkins and has already been submitted.

The two following letters from Secretary Shaw tell the history of the legislation in this Congress:

Treasury Department, Office of the Secretary.

Washington, November 19, 1903.

Sir: I have to acknowledge the receipt of a letter, dated the 17th instant, from the Committee on Commerce, enclosing Senate bill 901, "providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii," for such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I have respectfully to call your attention to my letter of December 15 last (copy enclosed), in relation to a similar bill which was introduced at the last session of Congress, in which it was stated that the Revenue-Cutter Service should be represented at Honolulu by an able seagoing vessel.

A vessel of the class required can be constructed, it is thought, for the sum named in the bill (\$225,000), and I recommend the passage of Senate bill 901, which is enclosed.

Respectfully,

L. M. SHAW,

Secretary.

The Chairman Committee on Commerce, United States Senate.

Treasury Department, Office of the Secretary.

Washington, December 15, 1903.

Sir: I have to acknowledge the receipt of a letter dated the 12th instant, from the Committee on Commerce, enclosing Senate bill 6534, "Providing for the construction of a vessel of the first class for the Revenue-Cutter Service, to be stationed with headquarters at Honolulu, Hawaii," for such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I have respectfully to state that there is not at this time any vessel of the Revenue-Cutter Service which can be spared for duty in the waters of Hawaii, and that the Service should be represented there by an able seagoing vessel does not seem to be open to question. The maritime laws of the United States, the enforcement of which comes under the purview of this Department directly and by implication, are fully applicable to our insular possessions, and for their enforcement the Department must necessarily be largely dependent upon the Revenue-Cutter Service. Among these laws may be mentioned—

1. The protection of the customs revenue (secs. 2747, 2750, 2762, 3059, R. S.).
2. Assistance of vessels in distress (secs. 1536, 2759, R. S.).
3. Enforcement of the neutrality laws (sec. 5288, R. S.).
4. The enforcement of the navigation and other laws governing merchant vessels, suppression of mutinies on board merchant vessels, etc.

A suggestion for the employment of private vessels for the purposes of the Revenue-Cutter Service should not be entertained. Such a course would result not only in inefficiency, because of the absence of the commissioned ranks of the Service from such vessels, and therefore of indispensable authority for the proper government of the same, but it would be found exceedingly expensive and in every way unsatisfactory to charter or hire vessels for this purpose.

All considerations in the interest of the Government appear to emphasize the necessity of making provision for a ship for duty in the waters of Hawaii, and I therefore recommend the passage of Senate bill 6534 without amendment.

The bill is herewith returned.

Respectfully,

L. M. SHAW,

Secretary.

The Chairman Committee on Commerce, United States Senate.

The early passage of the bill by the Senate is expected.

ERNEST G. WALKER.

LEASE SITE OF MUSEUM

The trustees under the will of Bernice Pauahi Bishop petition Judge De Bolt for leave to lease to the trustees of the Bernice Pauahi Bishop Museum a piece of land at Kalihi containing 0.381 acre. It is the site of the Bishop Museum and the lease is to be for ninety-nine years, and the consideration \$500 for the entire term. In the description of the property the adjoiner system, lately explained in the Advertiser, is employed. The Bishop estate trustees, petitioning, are J. O. Carter, W. F. Allen, W. O. Smith, S. M. Damon and A. W. Carter, who are also the Museum trustees with the addition of S. B. Dole and H. Holmes.

"That boy of yours has disgraced his self in school," remarked Farmer Thorpington, as he tossed the latest letter aside. "Laws sakes! What's he done now?" Inquired his better half. "It ain't what he's done, it's what he ain't done. This here letter says he's been in five football games an' come out without a scratch!"—Baltimore News.

KANSAS CITY FORECAST OF HAWAII AT THE FAIR

Prince Cupid Quoted About the Details of the Exhibit--Recommends Hula Girls--Fanciful Tales of a 1902 Revolution.

The Kansas City Journal says: Hawaii, at the world's fair of 1904, will show to the world her advancement under American rule and at the same time will present persons and things that speak of the days when the Kamehamehas ruled the land and superstition was rampant.

Prince Cupid--he of the erstwhile royal family who is now a delegate to the national congress from the mid-Pacific group--said while in St. Louis recently that a Hawaiian exhibit would be incomplete without a kahuna, a hula-hula girl, a kahili, and a robe made from feathers of the o-o bird. And he also said that these links which bind the present with the past could still be found in different parts of the country.

THE WITCH DOCTORS

For it was not more than twenty years ago that the kahunas prayed people to death, even as they did during Captain Cook's time; indeed their services as exorcists were in demand on the day that the stars and stripes were hoisted for the first time over the government palace at Honolulu, when they were asked to use their incantations for the purpose of driving the foreigners into the sea. So that some of those old witch doctors still live in their grass huts on mountain sides, and although their practices are forbidden by law, yet there is little doubt that they still listen to those who live the witch powers.

Under the belief that kahuna could pray the soul out of a man or woman many crimes were undoubtedly committed in the Hawaiian Islands in years gone by, for it is evident that after receiving their fee for services that would result in death they resorted to the use of poison and thus retained their prestige. But so skillfully were the deeds of violence committed that for centuries no one suspected the truth, and it was believed that these white-haired priests possessed the power to kill by the means of prayer alone.

THE DANCING.

The hula-hula girl, though more modern than the kahuna, is also becoming a rarity, owing to the objection to their form of dancing offered by the new comers on the islands. This criticism on the part of foreigners could not be understood by the natives when first offered, for the hula girl was to them the poetry of motion and her every act was the expression of a Hawaiian song.

These girls were trained for their dances while yet in the cradle, when women who were expert in the convolutions that would be necessary, twisted their limbs and kneaded the little one's muscles until they became supple as acrobats.

Kahilis and robes made from birds' feathers speak of a day when gorgeous feathered songsters filled the trees and bushes of the islands. But alas for the vanity of kings! this species of fauna, indigenous to the archipelago, has long since departed and the birds seen today are the result of importation.

EXTERMINATION OF BIRDS.

One of the Kamehamehas is responsible for the extinction of these members of the feathered tribe. When admiring an o-o one day he decreed that he should be furnished with a royal robe, made from the golden tufts that shone on the breasts of the songsters. These tufts were only a fraction of an inch in diameter and the robe maker said that hundreds of thousands of the birds would be needed to complete the gorgeous garment. "If it takes every bird in my kingdom I must have the robe," said the monarch, and forthwith the slaughter began. Probably the most magnificent piece of wearing apparel ever worn, even by a king, was the result. But the birds were so plentiful that there still remained a goodly number, seeing which, and his vanity being unsatisfied, Kamehameha ordered that a cape be made, even as the robe has been. This time the hunters were at work for a much longer period and when they had completed their task not an o-o remained on the islands, and you hear of them today only in fables.

PRICELESS ROBES.

But the garments are in existence--priceless robes of a former state. One is in the British museum, taken there soon after Liliuokalani's abdication, and the other is in the government building at Honolulu. It is the latter that will be seen in St. Louis next summer.

Plumage of larger birds than the o-o was used in forming the kahilis, which are immense plumes, made of variegated feathers and used by attendants to wave flies and other insects from the monarch's face when he was enjoying an afternoon siesta. These by the dozens will be brought to St. Louis, taken from the room in Honolulu where remnants of royalty are stored as souvenirs.

ISLANDS OF TODAY.

But it is the Hawaii of today that will interest no less than the Hawaii of the dark ages. As education is the keynote of the Louisiana Purchase exposition, so it is in matters educational that the islanders will make their principal showing. And it will probably astonish visitors to learn from one exhibit that the kanaka children

are the best educated children of any children in the world; that is, in proportion to the population, more kanaka boys and girls read and write and do the rule of three than in any other country on the face of the globe, and for that matter any district, not excepting the New England states.

LAVA, LAVA!

Again in the agricultural division Hawaii will shine, exhibiting a high grade coffee that is being cultivated on the leeward side of the largest island of the group. And it will be explained that the lava soil with which the islands are formed is the richest of the earth. The sugar cane and the method of crushing it will be a feature and then there will be exhibits of fruits and flowers. Kona-fed beef will be seen in the cattle pens and also sheep that graze on the mountain tops at an altitude that almost reaches the snow level. In every department except wines and metallurgy the islanders will be represented. They will have no exhibits of minerals, for there, dig as you may, nothing comes in answer to pick and shovel but lava, lava, lava.

Visitors to the Hawaiian village will be treated to a native luncheon or luau, prepared as on the lands that are waved-washed by the Pacific. It is not good form at one of these luncheons to sit in a chair, for if you do you will be high above the table, which is nothing more than native vines and flowers strewn on mother earth. So perforce you seat yourself as nature intended.

Soup? There is none. Poi takes its place. This is a substance the consistency of paste and resembling it in color, which is prepared from the taro root. The natives masquerade the taro in an earthen bowl, using the stone, such as a druggist mixes ingredients with pestle and mortar. There are two kinds of poi--two-fingered and one-fingered, the former being thinner than the latter. To understand, one must remember that it is very bad taste to ask for a spoon when eating poi. The digits must be used, and it is remarkable how expert some people can become in the manipulation. First, stick the forefinger of the right hand in the substance that is placed before you, give it a twist until the poi adheres well on all sides, then with a graceful movement convey what clings into your mouth. Suck the finger well until nothing remains, then repeat the operation. From this description you will understand that two-fingered poi is that which could not be manipulated readily with one finger. If you are in doubt as to how many fingers you should use, watch your host and follow his example.

THE ROAST PIG.

A most savory dish follows as the piece de resistance, in the shape of a roast suckling pig, prepared in native style. Hours before you are bidden to the luau preparations for this delicacy were under way. First a hole was dug in the ground, and watching its construction, one might remark that it resembled an infant's grave. Meanwhile large stones are being heated to a red. The suckling pig, ready, dressed and cleaned, the bottom of the grave is lined with hot stones; these in turn are covered with fragrant leaves; the pig is placed on its bed, more leaves are sprinkled over it, then another layer of hot stones, and finally earth is thrown on. There it bakes and sizzles until the time has arrived for service at table, when it is borne, juicy and brown, to become a central ornament. In the olden days it was good food to tear the pig to pieces with the fingers, but at luau of the present the knife and fork are brought into play.

THE BAND COMING.

Prince Cupid was asked whether the Royal Hawaiian band would come to St. Louis and replied that a popular subscription for that purpose was being raised in the islands. There is an interesting story told of events in the winter of 1902, which shows that a pretty American girl and this band conspired to prevent a revolution.

She, a pretty girl, had overheard of a plot to restore Liliuokalani to the throne. The conspirators had agreed to make a dash on the palace on a certain evening and the signal was to be the first strains of "Hawaii Ponoi" played by the band. From time immemorial this national anthem had been the concluding number to every concert.

REVOLUTION NIPPED.

The momentous night arrived, the revolutionists were gathered in groups in different parts of the city, some as cavalry, some as infantry and others with a rapid-fire gun as artillery. The greater number were assembled with the crowd that twice a week gathered to hear the band play. Now it happened that the girl who had overheard the plot did not dare reveal what she knew to the government officials, for her lover was one of the conspirators and if his name was once revealed, he stood in danger of death at the hands of a firing squad. So, knowing what the signal for the uprising was to be, she adopted other means to prevent the occurrence. Going to the band leader, when he was half through the program, she coaxed him to substitute another piece for "Hawaii Ponoi" and when the hour arrived for the concluding number of the night, imagine the astonishment of the revolutionists at hearing the strains of "The Star Spangled Banner" burst forth from the brasses. They became completely demoralized and the revolution was nipped in the bud.

NO DANGER OF STARVING

Fleet Will Leave Enough for Us to Eat.

Honolulu will not suffer from a food famine as a result of the presence or departure of the fleet today. All day yesterday and last night stores purchased in Honolulu were loaded on the battleships and cruisers, although the Wisconsin and Oregon finished taking on supplies early in the morning.

Had it not been for the great quantities of food stuffs brought by the Alameda and Solace there would have been a famine in Honolulu. The presence of the fleet, has shown one thing very conclusively and that is, that Hawaii is not able to provide for any great force of soldiers or sailors in case of a siege. If such an array as the Asiatic ships were bottled up in Pearl Harbor by a hostile fleet, the people of Oahu and the men of the vessels would soon be reduced to short rations, and a prolonged siege would mean starvation in the island. For all the fresh vegetables purchased here by the fleet, such as potatoes, cabbage, fruits and green produce nearly all of it was exported from the coast. The usual supply would be exhausted in less than two weeks if the regular ships were kept out by a blockading fleet. The conditions made apparent by the presence of the fleet illustrate more forcibly than anything else the necessity for placing as large an area of land on Oahu under cultivation as possible. Small farms and what they can produce will be the salvation of the islands in case of war. There is a large tract of land on this island, which was ceded to the United States upon annexation, for military purposes, and which could produce a sufficient amount of green vegetables and such things to keep an army of men for a long period. The land was originally set aside for the use of invalid soldiers from the Philippines, and as there is no chance that it will be used for that purpose, efforts to regain possession of it on the part of the Territory might prove successful. The land joins that of the Wahiawa colony and is very fertile.

It is impossible to estimate the amount of food that the fleet purchased in Honolulu during its two weeks' stay. The greatest demand was for fresh meats, which were purchased daily in enormous quantities for the use of the men on the ships. One butcher estimated the amount used daily as ten thousand pounds, while another firm supplied the fleet with eight or ten cattle every day. A conservative estimate of the amount of fresh meat used by the fleet while in port would probably be thirty-five tons. This is at the rate of about two and a half tons per day. Two days' supplies will be taken on for the voyage. This is in addition to the canned meats which are regularly supplied by the Navy Department. "The canned meats are put up now so that you can't tell the difference from the fresh meats," said Lieutenant Chapin of Admiral Evans's staff the other day. "It is a regular picnic going to sea nowadays. We take on only fresh meats and green vegetables for our cruise to Cavite. The Department supplies the fleet with regular rations, and the vessels are dependent upon to get what additional supplies they need as they touch at different ports."

Potatoes, onions and cabbages were also taken on board the ships in large quantities yesterday. These are practically all the fresh vegetables that the vessels take for regular stores, although it is not by means the only variety of edibles that went aboard. Every ship has a separate mess, crew as well as officers, and they loaded up with all sorts of delicacies yesterday. Canned fruit, raisins, fancy vegetables, cakes and an endless variety of good things to eat were sent on board the ships, and the clerks at many of the downtown stores worked far into the night getting their orders filled. Foodstuffs are much cheaper in Honolulu than in either Manila or Yokohama and the various mess funds were largely drawn upon to replenish their respective larders. At one store only was it reported that there was any probability of a shortage in food stuffs in Honolulu because of the purchases made for the fleet, the other merchants joining in the statement that there would be plenty to eat for everyone left in Honolulu after today. It was said, however, that had it not been for the shipment of stores from San Francisco there might have been a serious shortage in the food supply of Honolulu. Another grocer stated that had it not been for the cable, which would permit the increase in orders in time to catch the Sierra which sails from San Francisco December 31st, Honolulu might even now be facing the prospects of a food famine.

Several proposed changes of charters have been filed in the Treasurer's office for approval.

Lee Tona Co., Ltd., wants to reduce its capital stock from \$40,000 to \$20,000. The Davey Photographic Co., Ltd., desires its name changed to the Frank Davey, Photographer, Ltd. Joseph Hartman & Co., Ltd., would change to Carrers & Co., Ltd.

The Japanese at Honolulu plantation will hold a variety entertainment, with the aid of city talent, on New Year's Day.

CHARTER CHANGES ARE ASKED FOR

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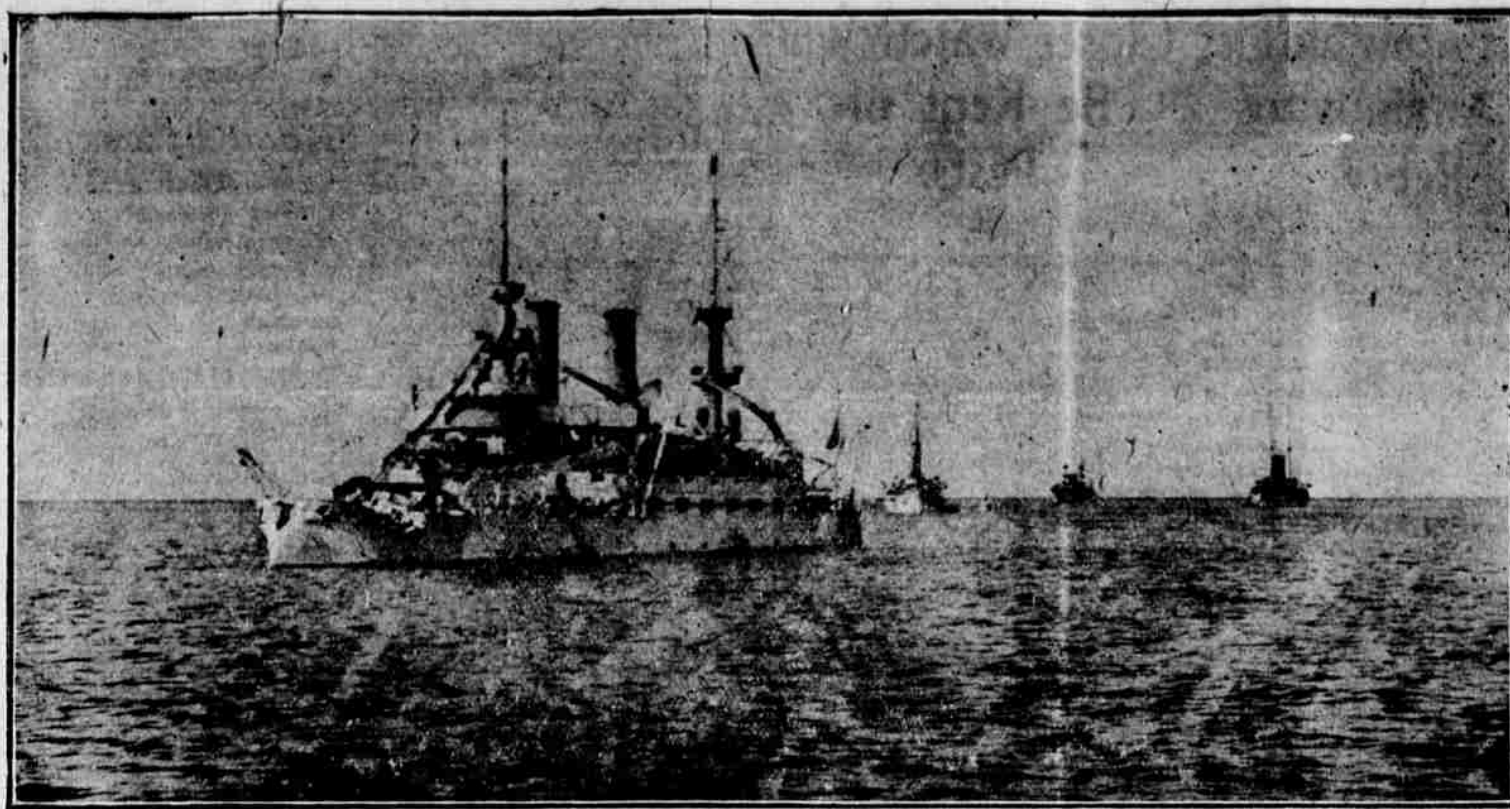
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AMID STRAINS OF "THE GIRL I LEFT BEHIND ME" FLEET SAILS FOR CAVITE



Kentucky. Cincinnati. Albany. Raleigh. (Advertiser Photo.)
AT ANCHOR OUTSIDE THE HARBOR.



THE CINCINNATI AND ALBANY JUST BEFORE THE START. (Advertiser Photo.)

TO THE stirring strains of "The Girl I Left Behind Me," followed by "Auld Lang Syne," Admiral Evans stood on the quarter deck and waved his hat in farewell to the visitors. As the tug passed the Oregon the marine guard was drawn up and the band played "Home, Sweet Home."

It was then within half a minute of 10 o'clock and as the second hands of a watch told off the half minute Admiral Evans' signal to start was flown and the propellers moved. Cheer after cheer arose on the decks of the flagship, which were responded to with all the might of the few masculine and feminine voices on the Iroquois, and then the visit of the fleet became in two hours' time only a pleasant memory. Two sick sailors were sent ashore from the Kentucky just before she sailed.

Fratt Getting Things Settled.

Land Commissioner J. W. Pratt has received advices of a decision of one of the land boundary cases the trial of which he attended recently on the island of Hawaii. Levi S. Lyman, Commissioner of Boundaries, decided in favor of the Government as to 450 acres of grazing land below the 3000-foot level in Kawaihae, North Kohala. Private claimants, being lessees of the Queen Emma estate, won the case with regard to 420 acres of mountain summit land in dispute. The controversy has existed for thirty years.

Other land disputes have been settled by stipulation. The Territory gives up 35 out of 135 acres in Unolu, Hawaii, in exchange for a quitclaim to 95 acres at Lahainaluna, Maui, part of the site of the famous public seminary there, which had been disputed since the great land distribution of 1842.

GRAFTERS ON THE LEGISLATURE

The Independent, during the last Legislature, strongly opposed the items of "Incidentals" appearing in the various appropriation bills, because therein laid the means of covering "a multitude of sins." We are given to understand that various officials are having paid their private hack rides for themselves, their wives and their families, and instead of paying cash, orders are given upon their clerks. The Legislature never, for one moment, intended that such should be the case, after allowing these head officials liberal salaries.—Independent.

Judge Sanford B. Dole, late Governor of Hawaii, was presented by a number of representative merchants on Christmas Day with a handsome silver tea service, consisting of seven pieces. The plate is the handiwork of Shreve & Co., San Francisco, and its value is said to be about \$1500.

OAHU COUNTY SUPERVISORS CONSIDER EXPENSE ACCOUNT

The Circuit Court Judges Give Estimates for Their Departments—Pay of Office Employees.

The Board of Supervisors for Oahu County held an important meeting yesterday afternoon in Castle & Cooke's hall, at which estimates for running the various departments were presented. Some were quite large, and in one or two cases where the expenses seem to be on an extravagant scale, the Supervisors will probably use the knife. Some departments will be combined to effect a saving in salaries and incidental expenses. The county government will not make use of the tug Eleu for towing garbage out to sea, but will call for tenders for disposing of the accumulations.

Assessor Iaukea appeared before the Board and made the claim that he would curtail the expenses twenty-five per cent by the use of improved methods of doing business. His recommendations as to expenses for doing the work were not presented to the Board.

The report of the three judges of the First Circuit Court was received in which they outlined the amount of clerical work to be done and expenses for conducting the courts. They recommended the employment of three stenographers at \$200 a month each, or a total of \$600 a month, as at present.

The clerks in the courts are allowed \$100 per month. The judges recommended they receive \$150 each, claiming that the amount of work calls for such a salary. No reference was made of the fees which the clerks receive over and above their salaries.

The bailiffs are now paid \$85 a month each, and it was recommended that the pay for each be raised to \$100 a month. They also recommended that for the jury and witness expenses the courts be allowed \$2,000 a month. Then there were salaries for interpreters of the usual nationalities and extras, which would swell this estimate to about \$40,000 per annum.

Treasurer S. E. Damon recommended that two clerks be authorized for his office, one a license clerk and the other a bookkeeper. He recommended a salary of \$175 per month for the bookkeeper and \$150 for the license clerk.

For the County Clerk's office it was recommended that a chief clerk be appointed with a salary of \$150 a month; stenographer and assistant, \$150 a month; messenger, \$50 per month; another clerk, \$50 a month; messenger, \$40.

The District Attorney recommended a deputy attorney at \$200 a month; law stenographer and assistant, \$150 a month; messenger, \$50 per month.

For the police department it was recommended that \$15,000 be allotted for the pay of police, detectives, specials, clerks, maintenance of prisoners, care of animals and incidentals.

No recommendations were received from the Auditor who is ill.

For the garbage and excavator department it was recommended that this be maintained for \$3,300 per month, and to combine with it the sewerage department. About a third of this sum is earned in fees by the department.

The Road Department matter will be considered at a meeting to be held at 10 o'clock this morning. It is believed that this department is being run too extravagantly to suit the Supervisors.

The appointment of road supervisor was deferred until a later meeting, as will be all other appointments until the salary question is settled.

PASTE HONOLULU LABELS ON BAGGAGE

Commencing with the arrival of the Coptic and Doric the Pacific Transfer Company pasted a distinctively Honolulu label on all baggage landed or sent away. When the globe trotter arrives in Honolulu in the future he may be assured that his dress-suit case will receive a conspicuous label with Honolulu showing plainly upon it, and his heart will be made glad. The traveler who returns home with his dress-suit case, trunk and valise covered with labels showing the various countries he has visited, has a bona fide memento of his tour. The new label is circular in shape, about three inches across, is yellow in color and bears the figure of a Hawaiian standing erect riding on a surf board.

The race horse Weller was sent to Hilo in the Kinau to take part in the New Year's races there.

RAILWAY VS. PLANTATIONS

Defendants Think Supreme Court Mistaken.

The Ewa Plantation Co. and the Kahuku Plantation Co. are not satisfied with the decision of the Supreme Court on the submitted case between the Oahu Railway & Land Co. and themselves. By their counsel, Castle & Withington, they petition the court for a rehearing.

Their ground for rehearing and reargument is that questions decisive of the case and duly submitted by their counsel "have been overlooked by the court and that the decision is in conflict with express statutes to which the attention of the court was not drawn."

The petition specifies its particular grounds, reciting what the court found as to three interests to be taxed, namely: that of the original lessor, that of the lessee (the lessor in the new leases) and that of the sub-lessee, all to be paid by the sub-lessees respectively, quoting then from the decision the following passage:

"It is no defense that the taxes were not assessed upon the sub-leased portions of land separately. The private agreement of the parties was not binding upon the assessor and the latter was under no obligation to make a separate assessment by reason of such agreement."

On this the petitioners comment:

"The court has clearly overlooked the point made in our brief, that the interest of the Oahu Railway & Land Co. in each of the demised premises is a separate item, and as such is to be separately taxed. We did not contend that the agreement to pay taxes had any effect upon the method of assessment, but that if any taxable interest in the demised premises was left or created by the leases, such interests were separate items, and under the provisions of the tax law must be separately taxed, which was not done, and therefore no valid tax was laid on the demised premises and we were not obligated by the agreement to pay anything but a valid tax."

The petitioners further say that the court has, in their opinion, overlooked "considerations suggested by them decisive of the case in its finding that the agreement concerning taxes, found in each lease, creates an obligation on the part of the plantation companies to pay a tax on the railway company's interest in the demised premises and that the railway company has an interest in the demised premises subject to taxation. The considerations alleged to have been overlooked are thus presented:

"Our point was not, as stated by the court, that the instruments are not in reality leases, but merely contracts to establish sugar plantations. What we contended was that, while the instruments were technically leases, the purpose of the parties was primarily to establish sugar plantations, and that the instruments should be construed with this purpose in view."

"We did not contend," the petitioners continue, "that the agreement relating to taxes was not a covenant. What we contended was that it was not in the technical form of a covenant and was a portion of a general covenant to establish a sugar plantation, and that that fact should be taken into consideration, and when considered it appeared to be a provision relating to the method of computing the share of the profits, and not primarily a covenant to pay the taxes."

"The court seems to us to have overlooked the fact that there was nothing in the case which showed that there was any excess of rents to be enjoyed by the lessee. This latter may not, however, have been decisive of the case."

"We respectfully submit that a rehearing should be granted at least upon the first point."

COURT NOTES.

Judge De Bolt has signed an order in default against defendants in the assumpsit suit of A. F. Vickers vs. Robert A. and Fredericka A. Carlile. Robertson & Wilder for plaintiff made the motion.

W. R. Sims, J. S. Walker and George Lucas, appraisers of the estate of Dr. Alex. M. Atherton, deceased, have filed their report, being practically a confirmation of the inventory filed by C. H. Atherton, executor.

Dayid Watson was licensed yesterday by Judge Robinson to practice law in the district courts and before circuit judges at chambers on appeal, for the term of two years.

Judge Robinson denied the motion for a new trial filed by defendant in the case of Cecil Brown vs. J. W. Redhouse.

Honolulu plantation will begin January 5 to grind the 1904 crop.

The grand jury has visited Oahu prison and the Insane Asylum.

George Andrews has been heard from at Macao, Straits Settlements, on December 5, in good health and intending to start four days later for Athens by way of Egypt.

THE KOHALA DITCH DATA

Earnestly Studied By Governor Carter.

Governor Carter is devoting all the time he can spare from the regular routine of the executive office to a personal investigation of the Kohala ditch business. He finds the data very voluminous, requiring time and study for its comprehension, but says he wants to obtain a thorough understanding of the situation.

The Governor yesterday received the reports of various heads of departments relative to current matters in their charge. There was no finished business to give out at the close of office hours.

Things are moving in the Public Works Department about as rapidly as might be expected at the far end of one set of current appropriations and the beginning of loan fund availability.

The contract for erecting the Royal School building has been awarded to the American-Hawaiian Engineering Co., represented by Chas. H. Gilman. The site for the building, on the old lot, will be laid out this morning.

F. W. Knight has been awarded the contract for erecting No. 2 building of the Boys' Industrial School at Waialea. H. F. Bertelmann will begin work on his contract for erecting a teacher's cottage at the same place on Monday next.

Cotton Bros. & Co. have been awarded the contract for building the abutment of Waimoa bridge, Kauai.

This morning the steamer Alameda makes her first departure from the new Oceanic dock. Construction work has kept the San Francisco local liner away from her old berth for about ten months.

The Inter-Island Steam Navigation Co. partially occupies its new docking quarters. Some scales are yet to be installed.

Plans and specifications are being completed for Brewer's wharf, to construct which tenders will be invited the beginning of the year.

Property owners on Nuuanu above Kukui street are going to put in sewers to connect with the sanitary system.

Today will see the completion of the storm sewer at King and Keeaumoku streets. Also the portion of the system to avert floods at Beretania and Punchbowl streets will be completed today. The storm sewer system has long ago, even in its partly finished state, demonstrated its great value as a public improvement. Besides its prevention of both discomfort and material loss, public and private, it has undoubtedly sanitary virtue in draining residence sections of surplus moisture.

WOULD ANNEX US TO CALIFORNIA

Senator Newlands in a speech before the Senate on his Cuba annexation resolution said something interesting about Hawaii in the following paragraphs:

"This is a part of the proper expansion of the Republic, the traditional expansion of the Republic, not the modern expansion of the empire over countries in distant seas. Hawaii is a military outpost in the Pacific controlling our defensive line. Why should we have her? She occupies such a position as she would if she were only a hundred miles from San Francisco, and practically protects the entire coast from foreign invasion. No fleet can sail from the Orient and reach the Pacific Coast without coaling, and with Hawaii in our possession the ships of such a fleet would be derelicts upon the ocean before reaching our shore. And so as a matter of economy and of wise administration and of wise adjustments of the boundaries of this country we have taken Hawaii into the Union as a Territory with a Delegate. She has today the position of an infant State, is in a transitional stage toward statehood; not, perhaps, independent statehood; but I trust that some method will be found in the future to incorporate her in the State of California as a county, and thus give her that representation in the Union to which every foot of ground over which the American flag flies is, in my judgment, entitled."

The danger to Hawaii in the matter of maintaining herself began with annexation. Prior to that time there was no danger of war or of a siege.—Independent.

Indeed? Is any one so foolish as to suppose that a strong naval power at war with the United States would not have tried to seize Honolulu and use it as a base against San Francisco? In that case what would Hawaii have done—let loose a poi dog and scared the perfidious foe away?

On Shore and Facing Eastward

SOUTHERN PACIFIC offers

Choice of Routes and
Choice of Trains

"SHASTA ROUTE"—Oregon Express.

"OGDEN ROUTE"—New Overland Limited.

"SUNSET ROUTE"—Sunset Limited. Down California Coast. Crescent City Express via San Joaquin Valley.

THE DIRECT ROUTE IS THE OGDEN.

The SHASTA will show you Northern California and Western Oregon.

The SUNSET, Central and Southern California, Arizona, Texas, Louisiana.

FOLDERS AND BOOKLETS AT

Information Bureau

613 Market St., San Francisco.

SUGAR BUSINESS ABROAD
AS VIEWED BY CONSULS

The Hungarian Bonus--Sugar Factory in Turkey--World's Consumption Data--What Will be Left for the United Kingdom.

(Mail Special to the Advertiser.)

WASHINGTON, D. C., Dec. 17.—Mr. Frank Dyer Chester, United States Consul at Budapest, Hungary, has forwarded to the Department of Commerce and Labor the following about the new sugar bonus in that country: "The Brussels convention having declared, through a subcommittee, that the State sugar-subsidy laws of Austria and Hungary were contra-conventional in their provisions, the Government of Hungary found no other means of defending Hungary's consumption against the surplus production of Austria than the 71 cents surtax per 220.46 pounds agreed to by the Austrian Government as an interstate tax payable at the time of shipment from the one State to the other.

"Up to August 31, 1903, the State premiums on exported sugar were in force, and in the internal trade the refineries assured a fixed price to the raw-sugar factories and paid to the said factories in cash any difference in comparison with the quotations in Ausgig.

"Since September 1 the Hungarian sugar concerns have been trying to establish a private system of bonification to take the place of the forbidden State subsidy represented in Hungary's Law II of 1903. On the 20th of this month (October) a meeting will be held at which the sugar concerns will sign the trust agreement for three years. If notice of termination is not given one year before the end of that term, the agreement will remain in force two years longer. The substance of the agreement is that the internal consumption, equal to 86,000 metric tons, be proportionately divided among Hungary's 5 refineries and 15 raw-sugar factories. Each refinery will have in its charge a certain number of neighboring raw-sugar factories contracting separately to sell the latter's production of sugar. Over and above this control of the raw-sugar factories, the 5 refineries under the leadership of the Hungarian General Credit Bank, in Budapest, will support a central bureau of sale, through which all Hungarian sugar will come on the market at prices fixed from time to time. These prices will depend on the arrangement not yet fixed upon with Austria's sugar concerns, which are threatening to flood Hungary with 16,000 metric tons yearly unless they are given some share in the profits of the new Hungarian trust.

"According to the published report of Messrs. Wertheimer & Frankl, of this city (Budapest), the Hungarian factories have succeeded thus far in exclusively supplying the home market with refined sugar, as the Austrian factories will not be ready with their new product, especially loaf sugar, before November. The struggle between Hungary and Austria will continue, they think, for some time, though the prices of all refined sugars have fallen \$1.32 per 220.46 pounds. Present prices are, per 220.46 pounds: Loaf, \$14.21; cut, \$14.61; granulated, \$14.

"The amount of premium sugar exported from the lands of the Hungarian Crown during the years ended July 31, 1902 and 1903, was as follows:

Over 90.3 per cent Under 90.3 per cent
Metric tons Metric tons
1902. 146,844 17,981
1903. 141,134 80,261

"The amount of raw sugar exported from Hungary to the United States during the calendar years 1901 and 1902 was 14,027 and 8,568 tons, respectively.

"During the first eight months of 1903 no sugar was exported from Hungary to the United States."

Consul General Oliver J. D. Hughes, at Coburg, Germany, writes the Department as follows, regarding a beet sugar factory in Turkestan: "Near Taschkent, the capital of the district

of Turkestan, the erection of a beet-sugar factory was commenced some time ago, which is expected to be in working order in September, 1904. Its annual output is estimated at about 50,000 double centers (11,000,000 pounds), about one-fifth of the total consumption of sugar in Russian Central Asia. The beet root is said to contain more sugar than in European Russia, so that it is very likely the sugar industry in those parts will develop favorably and quickly.

Under date of October 27, 1903, United States Consul Walter Schumann, of Mainz, Germany, transmits the following estimated beet-sugar production of Europe, as compiled by the International Association for Sugar Statistics:

WORLD'S SUGAR PRODUCTION AND CONSUMPTION.

A pamphlet recently published by Sir Neville Lubbock gives the following statistics of the world's production and consumption of sugar, beet and cane:

PRODUCTION, 1901-2 Tons 1902-3 Tons

Country (beet), except Russia, 5,722,000 4,300,000
Russia (beet), 1,099,000 1,215,000
British colonies, 545,500 513,000
Egypt, 96,000 90,000
India, 3,000,000 3,000,000
United States, Cuba, Porto Rico, Manila and Hawaii, 1,804,500 1,920,000
Peru, Argentine Republic, Dominican Republic, Mexico and Brazil, 738,500 482,500
Java, 767,000 842,500
French colonies, 110,000 104,000

Total, 13,882,500 12,657,000

CONSUMPTION, 1901-2 Tons 1902-3 Tons

Europe (beet), 3,066,000 1,640,000
British colonies, 545,500 513,000
Egypt, 96,000 90,000
Peru, Argentine Republic, Dominican Republic, Mexico, and Brazil, 738,500 482,500
Java, 767,000 842,500
French colonies, 110,000 104,000

Total, 5,323,500 3,772,000

Of the foregoing India and Russia will consume their own product; the United States will consume its own product and that of Cuba, Porto Rico, Manila, and Hawaii; Europe will consume 2,656,000 tons and 2,750,000 tons of its own beet-sugar production for the years given. This leaves available for the United Kingdom and other countries the following amounts:

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AGENTS FOR
The Ewa Plantation Company.
The Waiakoa Agricultural Co., Ltd.
The Kohala Cigar Company.
The Waiakoa Sugar Mill Company.
The Fulton Iron Works, St. Louis, Mo.
The Standard Oil Company.
The George F. Blake Estate Pump.
Weston's Centrifugals.
The New England Mutual Life Insurance Company, of Boston.
The Aetna Fire Insurance Company, of Hartford, Conn.
The Alliance Assurance Company, of London.

Castle & Cooke.
—LIMITED—

**LIFE AND FIRE
INSURANCE
AGENTS...**

AGENTS FOR
New England Mutual Life Insurance Co.
OF BOSTON.
Aetna Life Insurance Company
OF HARTFORD.

THE NEW FRENCH REMEDY.
THERAPION. This successful
remedy, used in the Continental hospitals by Ricord,
Rostan, Jobert, Veleau, and others, combines all
the desiderata to be sought in a medicine of the
kind, and surpasses everything hitherto employed.
THERAPION NO. 1 maintains the world-
renowned and well-merited reputation for damage-
ments of the kidneys, pains in the back, and
kindred ailments, affording prompt relief where
other well-tried remedies have been powerless.
THERAPION NO. 2 for impurity of the blood,
scoury, pimple, spots, blotches, pains and swelling
of joints, gout, rheumatism, & all diseases for which
it has been too much a fashion to employ mercury,
mercurials, &c., in the destruction of sufferers' teeth
and ruin of health. This preparation purifies the
whole system through the blood, and thoroughly
eliminates all poisonous matter from the body.
THERAPION NO. 3 for exhaustion, sleep-
lessness, and all distressing consequences of
dissipation, worry, overwork, &c. It possesses
surprising power in restoring strength and vigor to
those suffering from the enervating influences of
long residence in hot, unhealthy climates.
THERAPION is sold by the principal
Chemists and Druggists throughout the world.
Price in England, 2s. 6d. and 4s. 6d. In order
state which of the three numbers is re-
quired, and observe that the word "THERAPION"
appears on the British Government Stamp (in
white letters on a red ground) affixed to every
genuine package by order of His Majesty's Hon.
Commissioners, and without which it is a forgery.

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India and Around the World.

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THEO. H. DAVIES & CO., LTD.
Agents Canadian-Australian S. S. Line,
Canadian Pacific Railway.

HAWAIIAN
LIGHTHOUSES

Pass Into Federal
Control Jan.
First.

Action was taken from Washington
by telegraph yesterday for the transfer
of the lighthouses on the coasts of the
Hawaiian Islands from Territorial to
Federal control and maintenance.
Hawaii will not of itself be a light-
house district, as Governor Carter hoped
it might be made, but form part of
California, the twelfth lighthouse district
of the United States.

Lieutenant Commander A. P. Niblack,
captain of the Honolulu navy yard, will
be the Federal official to take charge
of the Hawaiian lighthouses. He re-
ceived the appointment of sub-inspector
of lighthouses in the Territory of Ha-
waii yesterday morning by cable, with
orders to report for instructions to Sec-
retary Cortelyou of the Department of
Labor and Commerce. Captain Niblack
promptly responded and now
awaits instructions.

Governor Carter, on the part of the
Territory, received advice at length by
cable from Secretary Cortelyou of the
Federal Government's plan for taking
over the lighthouses punctually at the
first of the approaching year. Appen-
ded to the message was a proclamation
by the President taking over all light-
house property in the islands, together
with buoys and sea marks, for the uses
and purposes of the United States, and
placing the entire lighthouse establish-
ment of the islands in charge of the
Department of Commerce and Labor.

The message and proclamation, with
Governor Carter's cablegram in reply,
are here given:

"The Federal Government will assume
charge of the Hawaiian Light-
house service on January first next,
temporarily taking all lighthouse keep-
ers into its employ on that day.

"This department authorizes you to
furnish at its expense supplies absolutely
necessary for one month, you taking
vouchers for each item of ex-
penditure and to keep each lighthouse
in operation.

"Blank vouchers are sent you by
mail; a letter follows this cablegram.
Answer.

"Proclamation is cabled herewith.

"GEORGE B. CORTELYOU,
Secretary Department of Commerce
and Labor.

"BY THE PRESIDENT OF THE
UNITED STATES OF AMERICA.

"A PROCLAMATION.

"Whereas the maintenance of light-
house and other aids to navigation in
the Territory of Hawaii is necessary
for the safe navigation of the waters
thereof by the vessels of the Navy and
of the Merchant Marine of the United
States and for the promotion of its
commercial interests;

"Now, therefore, I, Theodore Roose-
velt, President of the United States,
by virtue of the authority in me vested
and pursuant to Section 91 of the
Act of April 30, 1900, entitled an Act
to Provide a Government for the Ter-
ritory of Hawaii, do hereby declare
and proclaim that all the public prop-
erty of the former Government of the
Republic of Hawaii ceded heretofore
to the United States, consisting of
lighthouses and the public lands ad-
jacent thereto and used in connection
therewith to the extent of five acres
or thereabout adjacent to each light-
house when practicable to obtain so
much, the exact location of said land
and its metes and bounds to be here-
after determined and defined by the
Lighthouse Board, light vessels, light-
house tenders, buoys, sea-
marks, and their appendages and all
apparatus, supplies and materials of
all kinds provided therefor, and all the
archives, books, documents, drawings,
models, returns and all other things
appertaining to any lighthouse estab-
lishment maintained by the said Gov-
ernment of the former Republic of
Hawaii, be and hereby are taken for
the uses and purposes of the United
States, and the Department of Com-
merce and Labor, through the Light-
house Board, is hereby charged with all
administrative duties relating to the
said lighthouse establishment.

"In witness whereof, I have hereunto
set my hand and caused the seal
of the United States to be affixed.

"Done at the City of Washington this
twenty-eighth day of December in the
year of Our Lord One Thousand Nine
Hundred and Three and of the Inde-
pendence of the United States the One
Hundred and Twenty-Eighth.

"THEODORE ROOSEVELT.

"By the President:

"FRANCIS B. LOOMIS,
Acting Secretary of State."

Governor Carter's reply was as fol-
lows:

"Geo. B. Cortelyou, Washington.

"Lighthouse instructions will be
compiled with and proclamation made
public today.

"CARTER,
Governor."

The Commercial and Official
Record contains all meeting
notices and all corporation
notices of every kind and descrip-
tion.

ABSENT-MINDED HONOLULANS
CREATE NEW DEPARTMENT

People Who Leave All Kinds of Articles in Street
Cars Cause Company to Maintain a
"Lost Article Bureau."

A rapidly increasing department of
the Honolulu Rapid Transit Company's
business is the "Lost Article Bureau"
to which contributions are daily made
by the patrons of the line. The in-
crease of deposits with this department
has caused the opening of a set of
books in which the articles are care-
fully enumerated with blank spaces for
the names of the conductors who act as
the patrons' proxies, and for the names
of those who may eventually claim
them.

It is surprising how absent-minded
Honolulu folk are, especially when they
ride on a car with bundles which they
are prone to lay on the seat beside
them.

A patron—the men are just as ab-
sent-minded as the women—boards a
car with a parcel or two in his hands.
The habit of gazing at the scenery
along the route causes his thoughts to
wander far from his possessions and
by the time he desires to leave the car,
he has probably forgotten all about the
parcel which he laid so carefully beside
him on the seat. After he reaches his
home his thoughts occasionally wander
back to his ride, and there is a sense
of something not having been brought
home that he started with. Either his
own memory prompts him to dwell up-
on the missing parcel, or his wife as-
sists him in remembering it. There is
a hurried call on the telephone for the
Rapid Transit office and a conversa-
tion takes place about as follows:

"Hello, Rapid Transit; this is Mr.
So-and-So; I've lost a parcel—a parcel
of meat—and I think I left it on the
street car. When? Oh, about half an
hour ago. No, let's see, it was about
an hour ago. Well, I was riding on a
car—Wilder Avenue line—oh, yes, con-
ductor is a tall man, wears a mustache.
No, I don't know the number of the
car, but that's the conductor. Oh, yes,
I know there's lots of conductors with
mustaches, but this one wears his rather
short. All right, I'll call around to-
morrow morning. But say that pack-
age has meat in it. If it comes in
can't you put it in a cool place, near
the water-cooler? Allright, Goodbye."

The conductors pick up all manner of
strange things on the cars and prompt-
ly turn them in to the office, where they
are carefully recorded with the name
of the conductor, the number of the
car, time of day or night when found,
and the day of the month.

For the month of December up to
yesterday, forty articles had been
turned in, making an average of about
one and one-half articles per day.
Sometimes three or four are turned in
every day, but there is generally one
lost parcel recorded every day in the
year.

One day a patron left a bottle of
whiskey and a day or two later a con-
ductor lugged a demijohn of wine,
which had been stowed away under a
seat, into the office. Umbrellas are
found in quantities, especially on days

when the sky is threatening but not
discharging any rain. Cameras are
frequently left on the seats. Women
are prone to leave their handbags con-
taining any number of what-nots and
unmentionables. Children leave school
books and the literary patron is known
when he or she leaves a book behind.
Lunch baskets are not infrequently for-
gotten. Then lockets and watch fobs
have a tendency to disengage them-
selves from the possession of wearers
and are picked up from the floors.

One day a conductor picked up what
appeared to be a scrap of paper. It
was folded, and out of curiosity, for he
had no fares at that time to collect,
he unfolded it and was surprised to find
it was a marriage license. Whether
two hearts that were to beat as one,
were cruelly held apart until another
license was procurable, the conductor
knoweth not.

There is an old adage that "a fool
and his money are soon parted," but
this cannot, of course, apply to patrons
of the street car line who are prone to
leave their purses on car seats, often
filled with gold and silver. Purses are
left by women and children. Often
a conductor is surprised to pick up a
purse which contains a large sum of
money. A purse was once picked up by
a conductor which held \$62.00. Another
held \$50.00 and the contents dwindle
down at times to a few nickels.

About half the lost articles are claim-
ed. The remainder go to the conduc-
tors who found them if they are not
claimed within three months. The
purse with \$62 went to the conductor.
When a person misses a parcel, um-
brella or anything he has had in his
possession and remembers that he or
she rode on a car during that time, it
would recompense them to inquire of
the Rapid Transit Company whether
the article has been turned in there.

CONFIDENCE

said Lord Chatham, "is a plant
of slow growth." People believe
in things that they see, and in a
broad sense they are right. What
is sometimes called blind faith is
not faith at all. There must be
reason and fact to form a founda-
tion for trust. In regard to a
medicine or remedy, for example,
people ask, "Has it cured others?
Have cases like mine been
relieved by it? Is it in harmony
with the truths of modern science,
and has it a record above suspi-
cion? If so, it is worthy of confi-
dence; and if I am ever attacked
by any of the maladies for which
it is commended I shall resort
to it in full belief in its power
to help me." On these lines

WAMPOLE'S PREPARATION
has won its high reputation a-
mong medical men, and the
people of all civilized countries.
They trust it for the same reason
that they trust in the familiar
laws of nature or in the action
of common things. This effective
remedy is palatable as honey and
contains the nutritive and cura-
tive properties of Pure Cod Liver
Oil, extracted by us from fresh
cod livers, combined with the
Compound Syrup of Hypophos-
phites and the Extracts of Malt
and Wild Cherry. It quickly e-
radicates the poisonous, disease-
breeding acids and other toxic
matters from the system; regu-
lates and promotes the normal
action of the organs, gives vigor-
ous appetite and digestion, and is
infallible in Prostration—follow-
ing Fevers, etc., Scrofula, Influenza,
Asthma, Wasting Diseases,
Throat and Lung Troubles, etc.
Dr. W. A. Young, of Canada, says:
"Your tasteless preparation of
cod liver oil has given me uni-
formly satisfactory results, my
patients having been of all ages." It
is a product of the skill and
science of to-day and is success-
ful after the old style modes of
treatment have been appealed to
in vain. Sold by all chemists.

Elegant
Perfumery

We claim to have THE
FINEST line of HIGH
GRADE scents ever shown
in this city, of FRENCH,
ENGLISH, GERMAN and
AMERICAN Manufacture.—
In beautiful sets or cut
glass bottles.

What is more acceptable to
the Ladies?

PRICES ARE RIGHT

Only a few beautiful tripli-
cate Toilet Mirrors left.

HOLLISTER DRUG CO.,

FOOT STREET.

CHAS. BREWER CO.'S
NEW YORK LINE

Ship Tillie E. Starbuck sailing
from New York to Honolulu
March 1st. FREIGHT TAKEN
AT LOWEST RATES.

For freight rates apply to
CHAS. BREWER & CO.,
27 Kilby St., Boston,
or **C. BREWER & CO.,**
LIMITED, HONOLULU.

HANDICRAFT
SPECIMENS

Some Real Gems Turn
Up in Educational
Exhibits.

As the cases of exhibits for St. Louis
are opened in the Education office, many
articles are revealed which cause ex-
clamations of admiring wonder. Cer-
tain lines of handicraft are represented
by objects that suggest great commer-
cial possibilities if produced on any
large scale.

There are hats for women and girls
which could not fail of becoming the
rage if exposed for sale in any main-
land city. One specimen weaved from
the leaves of the loulu, or Hawaiian
pau, made at the Hookena school in
Kona, Hawaii, is as pretty a hat as
ever adorned the head of beauty.

Kealahou school at Waiakoa, Maui,
has some artistically embellished litera-
ture from its own press which is real-
ly superb. Original and eclectic arti-
cles in prose and verse are printed on
sheets that are hand decorated in water
colors with local landscapes and flow-
ers, the taste and technique of execution
being such as would not discredit an
exhibition of the Kiloana Art League.

Another splendid composition from
this obscure country school, bearing sig-
natures indicating that pupils of sundry
alien races did the work, is an elaborate
calender. The top part is a
hinged screen, its two leaves covered
with sketches of flowers and scenery,
interspersed with fanciful designs. From
this depends the calendar, each month
upon a separate card, the cards fastened
with fancy cord and ribbons, and hand
paintings decorating every card. It
would make a beautiful wall piece for
a boudoir. As showing that it is not
a school of mere fancy work, Kealahou
sends a complete set of books in book-
keeping. The teacher, it is learned,
came to Hawaii with a high class diploma
and is an all-round educator.

Lahaina school contributes a large
assortment of coconut shell baskets,
Kailua sends a coffee measure woven
out of lauhala leaf, also a fine assort-
ment of hats. An elegant shell lei
comes from Hanalei.

Waihee produces novelties in
cushions adorned with woven lauhala
stands in grillwork. Pearl City school
encases decorated class exercises in
beautifully lettered covers.

Among the most important handicraft
exhibits are those of real lace. A
sample was shown to a local dealer, who
gave judgment that a collar of that de-
scription would be worth from \$75 to
\$100. The lace represents but two
months of the special instruction in
this art for which the Legislature made
an appropriation on the urgent petition
of several ladies of Honolulu. One of
the aims of the lace instructor, who
gives a portion of her time to Normal
School students, is to teach celerity in
the work, as without quickness of ex-
ecution the profit of the industry would
be spent in time of production.

SEVENTH INFANTRY
LIKED HONOLULU

The Chronicle says: Recent word
from the ever beloved Seventh Infan-
try, which, though lost to sight, is
none the less to memory dear, states
the good news of a safe trip to the
Orient and a pleasant stop-over at
fascinating Honolulu. While at the lat-
ter place nearly everybody in the reg-
iment dined at the Royal Hawaiian Ho-
tel or at the beautiful new domicile on
the beach. At both places dances were
given in the Seventh's honor, which
proved to be jolly affairs. The Hawa-
lian songs, in their romantic scenic set-
tings, charmed as usual. Their ideal
fitness to tropical surroundings never
fails to attract even the unmusical
stranger. In courtesy to the visitors
several popular American songs of the
day were given with good effect, one
of the prettiest being "The Congo Love
Song." In the opinion of the listeners
no just criticism can be given that
selection until the critic hears it, as did
the delighted members of the Seventh,
sung by a fine, clear tenor voice in a
tropical rock garden of a moonlight
night.

The customary tourist routes were
done: the beach at Waikiki tried; the
tropical fruits enjoyed. All too quickly
passed the days till the Sherman was
on its way again.

The Territorial band will play the
Alameda off at the newly built Oceanic
dock, this morning. Tomorrow after-
noon the band will play from 2 to 5 at
the Maternity Home reception in hon-
or of the late Queen Kapiolani's birth-
day.

A Bad Skin

Prick your skin with a needle. You
will see it is full of blood, full all the
time. But what kind of blood? Rich
and pure? Or thin and impure? Pure
blood makes the skin clear, smooth,
healthy. Impure blood covers the skin
with pimples, sores, boils, eczema,
eruptions, tetter, salt-rheum.



Mr. Frank Hewitt, of Kalamazoo, W. A.,
sends his photograph and tells what cured him.
"When a boy my skin broke out in bad sores
about my hands. After trying a great many
remedies in vain, I took Ayer's Sarsaparilla
and was quickly cured. Recently I was
troubled again with severe boils, but one bot-
tle of the same old remedy completely cured
me. It's the greatest blood-purifying medi-
cine in the world."

AYER'S
Sarsaparilla

There are many imitations "Sarsaparillas."
Be sure you get Ayer's.

Ad the Sarsaparilla by keeping your bowels
in good condition with Ayer's Pills.
Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO., Agents.

ECHO OF STREET
FRANCHISE WAR

The last echo of the franchise war
between the Rapid Transit Co. and the
Hawaiian Tramways Co., which ended
the past year in amalgamation un-
der the former corporation's name,
comes in the following item from the
record of the Federal Supreme Court
in a Washington paper of December 14:

No. 116. The Hawaiian Tramways
Company, limited, plaintiff in error,
agt. the Honolulu Rapid Transit and
Land Company, limited. In error to the
Supreme Court of the Territory of
Hawaii. Dismissed with costs on mo-
tion of Mr. J. J. Darlington for the
plaintiff in error.

On a submission of facts the Ha-
waiian Supreme Court decided that the
Hawaiian Tramways Co., did not pos-
sess exclusive rights of operating a
street railway upon the thoroughfares
where its system extended. Some time
later the Hawaiian Tramways Com-
pany renewed the fight against the
Rapid Transit Co., to prevent its steady
advancing encroachments into com-
plainant's claimed territory, in the United
States District Court.

To the contention of respondent that
the matter was res judicata from the
decision in the Territorial highest
court, the complainant endeavored to
make out that it, as a corporate body,
did not authorize the submission to the
Supreme Court of Hawaii.

Judge Estee decided adversely to the
Hawaiian Tramways Co., when it ap-
pealed to the United States Supreme
Court on writ of error. The dismiss-
ing of the appeal now, on motion of the
appellant, is merely a closing incident
in the amalgamation process.

BULK OF LOAN
MONEY IN VAULT

A brief local in yesterday's Adver-
tiser, to the effect that the bank of
Claus Spreckels & Co., had paid \$200,000
of the loan fund into the Treasury, was
misleading without reference to pre-
vious items on the subject. Spreckels'
bank by the payment of Monday com-
pleted its full allotment of one quarter
of the million dollar loan and accrued
interest.

Yesterday the Bank of Hawaii paid
in \$101,820.88, having previously depos-
ited \$50,000 of its loan quota.
Bishop & Co. have paid a second
\$50,000.

As none of the four banks undertak-
ing to bring the loan fund from New
York were obligated to make good until
January 14, the fact that the greater
portion of the million and odd is now
in the Treasury vault speaks volumes
for the resources of Honolulu banks.

The First National Bank of Hawaii
put up its coin in full on the very day
it was advised by cable of the hono-
ring of its draft for the amount in New
York.

A TIMELY SUGGESTION.—This is
the season of the year when the prudent
and careful housewife replenishes
her supply of Chamberlain's Cough
Remedy. It is certain to be needed
before the winter is over, and results
are much more prompt and satisfac-
tory when it is kept at hand and given
as soon as the cold is contracted and
before it has become settled in the
system. In almost every instance a
severe cold may be warded off by tak-
ing this remedy freely as soon as the
first indication of the cold appears.
There is no danger in giving it to chil-
dren for it contains no harmful sub-
stance. It is pleasant to take—both
adults and children like it. Buy it
and you will get the best. It always
cures. Sold by all dealers and drug-
gists. Benson, Smith & Co., Ltd.,
agents for Hawaii.

Hamburg-Bremen Fire Insurance Co

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandise stored therein on the most favorable terms. For particulars apply at the office of
F. A. SCHAEFER & CO., Agents

German Lloyd Marine Insurance Co

OF BERLIN.

Fortuna General Insurance Co

OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO.,
General Agents.**General Insurance Co. for Sea
River and Land Transport.
of Dresden.**

Having established an agency at Honolulu and the Hawaiian Islands, the undersigned general agents are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO.,
Agents for the Hawaiian Islands.**"The
Overland
Limited"**

ELECTRIC LIGHTED

California

To the EAST via

The Union Pacific

This Train is really a
First-Class Modern Hotel

with Handsome Parlors, Drawing Rooms, Bed Chambers, Boudoirs, Libraries, Smoking and Reading Rooms, Barber Shops, Bath Rooms (hot and cold water), superbly appointed Dining Rooms, glittering with Mirrors, Cut Glass, Fragrant Flowers, Electric Candelabra, etc.; Promenades, Observation Rooms, Electric Lights, Electric Fans, Telephones, Electric Reading Lamps, Perfect Heat, etc.

RUNS EVERY DAY IN THE YEAR

Full Information Cheerfully Furnished
on Application to

S. F. BOOTH,

General Agent.

1 Montgomery St., San Francisco

OR

E. L. Lomax, G. P. & T. A.

Omaha, Neb.

**ONCE MANAGED
A SUGAR ESTATE**

Martin Richter, whose position was that of assistant manager in the offices of the Swiss Marine Insurance Company, at 315 California street, ended his life yesterday afternoon with a bullet. What prompted Richter to destroy his life is a mystery, and the manager of the company refuses to talk. Illness is given as a possible cause, but a letter left by the unfortunate man to his wife contains statements that lead the police to believe that money troubles may be involved.

Richter was a native of Germany and about 56 years of age. He resided with his wife at 539 Clayton street. They had no children. He was a manager of a sugar plantation in Hawaii for many years, but came to this city about eleven years ago and secured employment in the offices of Gutte & Frank, insurance agents at 203 California street. On July 13 he severed his connection with this firm, saying that he had secured a better position with Rosenthal. Gutte says that so far as he knows there was nothing wrong with Richter's accounts, but since news of the suicide reached him an investigation will be commenced at once. At the time Richter left for his new place a highly complimentary letter was given him and was found in his possession yesterday.—Call.

RELIEF AFTER SIX YEARS.—Mrs. M. A. Clark, of Timberrange, N. S. W., Australia, writes: "I wish to inform you of the wonderful benefit I have received from your valuable medicine. I suffered from a severe cough for six years and obtained no relief until I took Chamberlain's Cough Remedy. One bottle cured me and I am thankful to say that I have never had the cough since. Make any use of this letter that you like for the good of any other poor sufferers." For sale by all dealers and druggists. Benson, Smith & Co., agents for Hawaii.

**HISTORY
MANGLED****A Popular Author
Misrepresents
Hawaii.**

The measure of Richard Harding Davis as an historical writer may be fairly taken in this excerpt from the Saturday Evening Post of Dec. 19, in an article on "Revolutions to Order".

In the overthrow of the Queen of the Hawaiian Islands there was no question of misled sympathy. On that occasion our minister, John L. Stevens, was one of the prime movers in the revolution and was assisted by Captain Wiltse, of the cruiser Boston. How far our Government aided and abetted Mr. Stevens it is difficult to determine. A letter marked "Confidential," from John W. Foster, then Secretary of State, to Mr. Stevens, helps to explain why the part played by our Government is still difficult to determine. In this letter he says: "Adverting to your current dispatches in relation to the course of political events in the Hawaiian Islands, many of which are marked by you 'Confidential,' and for obvious reasons, I desire to suggest that you endeavor to separate your reports into two classes, one of which shall aim to give the narrative of public affairs in their open historical aspect, and the other to be of a strictly reserved and confidential character, reporting and commenting upon matters of personal intrigue and the like so far as you may deem necessary for my full understanding of the situation. Many of your dispatches combine these two modes of treatment to such a degree as to make their publication, in the event of a call from Congress or other occasion, therefore, inexpedient and, indeed, impracticable, without extended omissions." It is still possible to see throughout the course of the revolution the guiding hand of our Government and its agent, Mr. Stevens.

In 1893 the passage of the McKinley Bill had made it impossible for the sugar-planters in Hawaii, most of whom were Americans, to carry on that industry at a profit. Their only hope of avoiding the tariff lay in Hawaii becoming a part of the United States. On account of its strategic value in the Pacific the United States desired Hawaii. The desires of both the Government of the United States and of the American sugar-planters being the same, they combined to overthrow the only obstacle to their plans—Queen Liliuokalani.

On January 14, 1893, Queen Liliuokalani prorogued the Legislature and proposed a new constitution which returned to the crown many powers and privileges it had formerly enjoyed, but which, in a previous revolution in 1887, had been taken from it. There was such instant objection to this new constitution on the part of the Queen's own Cabinet that she changed her purpose and announced to the people by word of mouth and by a proclamation that there would be no changes except by methods authorized in the then existing laws. But this threat of a new constitution gave those who were plotting against her Government the excuse for which they were waiting. Although the Queen had entirely given up her idea of a new constitution, the Americans in the city of Honolulu pretended to believe that their liberties were in danger, and they assembled in mass meeting and arranged a Committee of Safety and organized for their defense.

THE NURSERY MAIDS' INSURANCE

A Mr. Lopez, who was invited to lead the volunteer forces of the foreign element, declined the honor unless he could first talk to the American minister. At the Legation Mr. Stevens gave him the assurance he desired. The next day, although a state of public peace prevailed; although the ladies of the town, with their children, were driving about in their carriages, shopping and paying calls; and while the benches in the plaza were occupied by nursemaids and their charges, Minister Stevens asked his side-partner, Captain Wiltse, to land a force of marines and several Gatling guns for the protection of American interests. Instead of surrounding the property of American citizens in the business part of Honolulu, the American forces were stationed outside the Government building and near the Palace. Mr. Wodehouse and other adherents of the Queen drove to the Legation and asked Stevens at whose request the marines were landed. He said: "The ladies about town are very nervous and fear trouble."

Mr. Wodehouse replied: "Why, the town, Mr. Stevens, is perfectly quiet—as quiet as a Quakers' meeting. Were you asked by the Queen's Government to land these troops, and why are the forces occupying an armed position on the principal square of the town, commanding the Palace and Government building?"

Mr. Stevens made no answer. "We left," says Wodehouse, "and are satisfied that Stevens means to assist a movement from the Committee of Safety." The Queen's marshal ordered the troops at his command to be prepared for an attack upon the Government, and called for volunteers. He assembled them at the police barracks and awaited the coming upheaval. It came the next afternoon at two o'clock, when thirty gentlemen—some say twelve, some say thirty—crossed the square in front of the Government building and, mounting the steps, announced that they had overthrown the monarchy and had established themselves as a provisional government. Their audience consisted of the American marines drawn up with their Gatling guns at a distance of less than a hundred yards, and the clerks at

work in the Government building. These latter, on seeing a group of gentlemen reading a paper to themselves, leaned from the windows in order to hear what it was about. Thus with the aid, and only with the aid, of the marines the provisional government was established.

Or, to be quite fair, and to give credit where it is due, one should add that on this historical occasion our marines were assisted by the armed forces of the revolutionists to the extent of Mr. Oscar White with a gun. The presence of Mr. Oscar White is mentioned by several witnesses. One testified that he said, "Oscar, it is not prudent for you to be here with only one gun."

The Queen's marshal, from the barracks where his troops were assembled to the number of six hundred, sent word to Mr. Stevens to inquire if the United States forces intended to recognize the thirty gentlemen on the steps and the belligerent Mr. White. Mr. Stevens replied that he already had recognized the provisional government. This was only an hour after it had announced its existence, and is the record for rapid recognition.

The Queen, with a very proper appreciation of the situation, surrendered, not to the provisional government, but to "the naval forces of the United States." Mr. Cleveland, who, shortly after this occurred, became for the second time President, endeavored to undo the work of Mr. Stevens and to reinstate the Queen. This act of justice, however, was frustrated by Congress—which in this case represented the wishes of a majority of our people—and by the Queen herself. For, seeing that she was so strongly supported, she demanded that those who had opposed her should be beheaded. This bloodthirstiness disgusted every one, and Mr. Cleveland, who, in spite of much opposition, had patiently endeavored to give her justice, withdrew his support.

In January of 1901 our Government sent three gunboats to La Guayra to intimidate President Castro, who had threatened to take away a concession from the Bermudez Asphalt Company and bestow it upon the rival Warner Quinlan Company, of Syracuse. The dispute was one which should have been settled through the courts and by a surveyor's transit, as it was entirely a question of boundaries. But the Asphalt Trust represented that a revolution had broken out which threatened their property at Guanaco and the lives of their employees. At the time they asked for warships the revolution was mildly progressing at Catupano, a place as far removed from the property of the Asphalt Company as Chicago from New York. As a matter of fact, nothing happened to the zinc sheds and mud huts of the Asphalt Company, and the only result of our bullying a small and friendly Power with our warships was to gain its dislike and again to see our bluejackets mobbed by overexcited patriots.

Fortunately, our last and most important act as an incubator for baby republics was without bloodshed, and our sovereignty has been established at the most important strategic point of the two continents, apparently to the satisfaction of all concerned.

For, what our Government repudiated in Walker it has accomplished in its own way in Panama; just as the English Government, after punishing Doctor Jameson, took his unfinished raid in hand and finally succeeded in overthrowing the Transvaal Republic. For attempting to do the same thing it had sent him to Holloway jail. In the revolution in Panama the naval forces of the United States were the deciding factor. Without their backing, and without our hasty recognition of the new republic, after several years the revolutionists might have found themselves fighting for their independence. It is easy for the uninformed to laugh at the revolutions in Central America; but it should be remembered that the last real revolution in Colombia continued for three long years, and of those engaged in it on both sides, ten thousand lost their lives.

GREAT GRUMBLERS

Grumbling Will Cease if Honolulu People Follow This Advice.

Backache is the first grumbling warning. The kidneys give it, if you heed it not.

Look out for trouble, it will surely be all by itself at 50 cents a box, six boxes for \$2.50, or will be mailed on receipt of price by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

Urinary trouble, kidney trouble and many miseries. Doan's Backache Kidney Pills are made for kidneys only.

They cure every form of kidney ill. The experience of Honolulu people proves this.

Here's a case in point. Mr. F. Metcalf of this city, gives us the following information: "I was afflicted with a painful feeling in my back for over five years. The various remedies resorted to did me no good, until, falling in with the advice of a friend (Mr. W. J. Maxwell), I procured at the Hollister Drug Co.'s some of Doan's Backache Kidney Pills. I had hardly finished taking them when the pain left me altogether, and I now feel that I have been completely cured of the terrible suffering I underwent formerly. By keeping a box of the pills in the house I am fortified against any possible return of my complaint at future times. It seems almost miraculous that the pains should have vanished so speedily. All sufferers from backache should get some of Doan's Backache Kidney Pills." Doan's Backache Kidney Pills are come.

WHEN SUFFERING from a cold and you fear an attack of pneumonia, secure a bottle of Chamberlain's Cough Remedy and use it judiciously. There is no danger from this disease when this remedy is used. It always cures and cures quickly. For sale by all dealers and druggists. Benson, Smith & Co., agents for Hawaii.

**SIXTO LOPEZ IS
HERE ONCE MORE**

Sixto Lopez, the noted Filipino leader who was one of the heads in the insurrection under Aguinaldo, is again in Honolulu. He arrived yesterday on the Doric en route to Nagasaki, and will probably remain in Honolulu for a couple of weeks.

The last time Mr. Lopez was a visitor here he narrowly escaped arrest at the instance of Major W. W. Robinson, who was depot quartermaster for the United States army at that time, and the late United States District Attorney Baird. There was a midnight session between these gentlemen and others and the whole matter of placing Lopez under arrest for treasonable utterances made over his signature and which appeared in the Advertiser as an interview, was discussed. It resulted in Lopez not being arrested, but it was a close shave.

Sixto Lopez did not want to be interviewed yesterday. He was addressed by an Advertiser man on the deck of the Doric while he was busy transferring his baggage ashore to be examined, but his desire was not to be interviewed in any matters.

"What is the object of your visit to Honolulu, Mr. Lopez?" was asked. "Oh, I'm just going to stay here a couple of weeks visiting friends, that's all," was the reply.

"Are you going to Manila, or anywhere in the Philippines?"

Mr. Lopez considered the question for a short period and then replied that it was not his intention to do so yet, but that he would go to Nagasaki. "Do you intend to look up the sugar industry while here, to apply it to the conditions in the Philippines?"

"Well, I shall certainly take advantage of the excellent opportunity presented here to look up the advanced methods in making sugar, for I understand they use the finest machinery in the Hawaiian mills, but I am not looking into that industry particularly."

"Your sister, while here, took quite an interest in the production of sugar." "Oh, yes, I know she is quite interested."

"Have you anything to say regarding the Philippine situation?"

"No, I do not care to discuss that matter at present," was his reply.

And that ended the interview.

**REAL ESTATE
TRANSACTIONS**

HONOLULU, OAHU.

Recorded Dec. 23, '03.
Lee Wai to J. W. Podmore, B. S. L. 3 leaseholds in Honolulu, \$100, and to pay mtg. of \$843.30. Dec. 22, '03.

S. C. Allen, Tr. Estate, to E. Johnson, Rel. realty on Pauahi St. 13,024 sq. ft., on School St. 3,639 acres; at Manana, Ewa, nearly 5 acres, \$6,000. Dec. 22, '03.

B. M. Allen to A. Hocking, D. realty at Makiki 2163 6-10 sq. ft., \$765.03. Dec. 22, '03.

D. H. Kahauliello, Tr., to P. Ioane, Rel. realty in Honolulu, Oahu, and in Hamakua, Hawaii, \$450. Dec. 22, '03.

W. C. Achi to James F. Morgan, Tr., D. realty at Mokuauia, Kalihi, \$1. Dec. 4, '03.

E. K. Meyer of Kalae, Molokai, to Joe Andrade of Honolulu, power of attorney. Sept. 8, '03.

J. W. Podmore to Allen & Robinson, mtg. 4 leaseholds in Honolulu, \$3,900, payable in quarterly installments of \$500 each, at 7 per cent. per annum, payable quarterly. Dec. 23, '03.

U. S. Fidelity and Guaranty Co. to J. H. Robertson et al., power of attorney. Nov. 10, '03.

EWA, OAHU.

H. M. von Holt, Tr., to Hawaiian Land and Improvement Co., Ltd., D. lots 15, 16, 17 and 18, blk 19; lot 9, blk 14, Pearl City, and por. of Ahupuaa of Waimalu, 2 28-100 acres, Ewa, \$1. Dec. 8, '03.

J. D. Holt, Jr., to Haw'n Land and Imp. Co., Ltd., lot 27, blk 14, Pearl City, \$110. Dec. 7, '03.

W. F. Frear to Haw'n Land and Imp. Co., Ltd., D. lots 9 and 24, blk 16, Pearl City, \$220. Nov. 30, '03.

H. A. Giles to Haw'n Land and Imp. Co., Ltd., D. lot 4, blk 21, Pearl City, \$110. Dec. 19, '03.

W. M. Graham to Haw'n Land and Imp. Co., Ltd., D. lots 17, 18 and 19, blk 14, Pearl City, \$330. Dec. 5, '03.

J. M. Atherton to O. R. & L. Co., D. realty at Pearl City, \$1. Dec. 18, '03.

HILO, HAWAII.

First Bank of Hilo to G. H. Williams and wf. Rel. realty at Hilo, 3648 sq. ft., \$750. Dec. 17, '03.

W. Clark to J. G. Serrao, L. realty on Waihanuene St. 30 yrs at \$250 a yr. Nov. 5, '03.

LAHAINA, MAUI.

H. A. Isenberg to Pioneer Mill Co., L. realty at Waianae 1 95-100 acres; time 50 yrs; \$150, being full remuneration thereof. Dec. 14, '03.

HONOLULU, OAHU.

Recorded Dec. 24, 1903.

Western & Hawn Investment Co. Ltd. to A. N. Campbell, Tr., D. Realty at Kalihi, 11165 sq. ft.; \$2400.00. Oct. 6, 1902.

First Amer. Sav. & Tr. Co. Ltd. to Gear Lansing & Co., Par. rel. Lots 8, 10, 12 & 13 Blk 33, Kaimuki Tract, Kapahulu; \$300.00. Dec. 22, 1903.

First Amer. Sav. & Tr. Co. Ltd. to Gear Lansing & Co., Par. rel. Lots 13 & 14 Blk 51 and lot 10 Blk 42, Kaimuki Tract, Kapahulu; \$225.00. Dec. 22, 1903.

First Amer. Sav. & Tr. Co. Ltd. to Gear Lansing & Co., Par. rel. Lots 10, 12, 14 & 15 Blk 48, Kaimuki Tract, Kapahulu; \$300.00. Dec. 22, 1903.

Port. Mut. Ben. Soc. to F. F. Branco, Rel. Lots 444 & 445, Punchbowl Lots, \$5000 sq. ft. June 15, 1900.

Kalihi to A. N. Campbell, Tr., Mtg., Realty at Waikeiki, .842 acre; \$125.00. 5 yrs. @ 1 per cent. per mon. Nov. 9, 1903.

J. K. & R. N. Boyd to A. N. Campbell, Tr., Mtg. Realty at Auwahiolu, 28728 sq. ft.; \$500.00 3 yrs. @ 9 per cent. Dec. 19, 1903.

**Hair 55 Inches Long
Grown by Cuticura.**

MISS B—, of L—, sends us through our British Agents, Messrs. F. Newbury & Sons, 27 and 28, Charterhouse Square, London, E. C., a strand of soft, glossy hair cut from her own head and measuring fifty-five inches in length, of which the annexed drawing is a photographic fac-simile. She attributes her magnificent head of hair to frequent shampooing with CUTICURA SOAP, followed by light dressings of CUTICURA gently rubbed into the scalp. Previous to the use of CUTICURA, her hair was dry, thin, and lifeless, and came out in handfuls to such an extent that she feared she would lose it.

This is but one of many remarkable cases of the preservation and restoration of the hair in seemingly hopeless cases by warm shampoos with CUTICURA SOAP, followed by light dressings of CUTICURA, purest of emollient skin cures. This treatment at once stops falling hair, cures the scalp of crusts, scales, and dandruff, soothes irritated, itching surfaces, stimulates the hair follicles, supplies the roots with energy and nourishment, and makes the hair grow on a clean, sweet, wholesome, healthy scalp, when all else fails.

MILLIONS OF WOMEN use CUTICURA SOAP exclusively for preserving, purifying, and beautifying the skin, for cleansing the scalp of crusts, scales, and dandruff, and the stopping of falling hair, for softening, whitening, and soothing red, rough, and sore hands, and for all the purposes of the toilet, bath, and nursery.

Complete External and Internal Treatment for Every Humour, Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE SET is often sufficient to cure the most torturing, disfiguring, and humiliating skin, scalp, and blood humours, with loss of hair, when all else fails. Sold throughout the world. Aust. Depot: R. TOWNS & CO., Sydney, N.S.W. So. African Depot: L. S. M. LTD., Cape Town. "All about the Skin, Scalp, and Hair," free. POTTER DRUG AND CHEM. CORP., Sole Props., CUTICURA REMEDIES, Boston, U. S. A.

Complete External and Internal Treatment for Every Humour,

Consisting of CUTICURA SOAP, to cleanse the skin of crusts and scales and soften the thickened cuticle, CUTICURA Ointment, to instantly allay itching, inflammation, and irritation, and soothe and heal, and CUTICURA RESOLVENT, to cool and cleanse the blood. A SINGLE SET is often sufficient to cure the most torturing, disfiguring, and humiliating skin, scalp, and blood humours, with loss of hair, when all else fails. Sold throughout the world. Aust. Depot: R. TOWNS & CO., Sydney, N.S.W. So. African Depot: L. S. M. LTD., Cape Town. "All about the Skin, Scalp, and Hair," free. POTTER DRUG AND CHEM. CORP., Sole Props., CUTICURA REMEDIES, Boston, U. S. A.

Na Kupuna

THE

Hawaiian Legend

of the

CREATION

(BY JULIAN D. HAYNE.)

With Artistic Illuminations by Viggo Jacobson.

THE GAZETTE CO. has recently secured a few copies of this much talked of publication, which is now out of print.

Julian Darwin Hayne is a man who will long be remembered in Hawaii for his many brilliant accomplishments and his wonderfully checkered career.

The legend is well written and the artistic element reflects great credit up on Mr. Jacobson.

Though but few people here have seen this book, nearly all have heard of it and will be glad of the opportunity to secure a copy.

PRICE 25 CENTS.

Six Prize Stories

FROM THE LITERARY BRANCH OF

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The stories are ALL HAWAIIAN, having a distinct Island flavor and apart from its value as a souvenir the book is an interesting one.

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PRICE 25 CENTS.

**JAPAN HAS NEARLY
REACHED A WAR FOOTING**

YOKOHAMA, Dec. 30.—The Government has almost concluded the work of putting the country on a war footing.

SHANGHAI, Dec. 30.—It is understood that Russia is inclined to make concessions to China in Manchuria. The Empress-Dowager favors an alliance with Japan.

TOKIO, Dec. 29.—An emergency order has been issued which invests the Japanese government with practically unlimited credit to advance military defense in case of emergency.

CAPETOWN, Dec. 30.—It is feared there will be a general Hottentot uprising in German territory.

COUNTY ACT TEST CASE

(Continued from page 1.)
tion that journals of legislative proceedings may be used to impeach enrolled acts.

THE PRAYER.

Many cases are cited at some length under this head, and the brief closes with the prayer "that the County Act be declared void, and that the case be remanded to the First Circuit Judge of the First Judicial Circuit, with instructions to render judgment that the defendants are not qualified nor legally entitled, to act as Supervisors."

SUMMARY OF THE DEFENDANT'S BRIEF

Judge Hartwell prepared the brief for the defendants. As it contains seventeen legal cap pages of typewriting, there is only room here for the leading statements of its points. What is omitted consists of the elaboration of these statements, together with copious citations of authorities. Beginning with the question of the court's jurisdiction, the brief takes up the points of the complaint seriatim. The following extracts will show the sequence and the main substance of the argument presented orally by counsel defending the Act:

1. Jurisdiction.
No dilatory defense is made in this case for there is none which has merit and the defendants do not seek delay in the decision concerning their legal capacity. On the contrary, they consider that the public interests and also their own require that their official right be ascertained at as early a date as is consistent with the regular judicial procedure.

But in order that it may not appear to the Court that the defendants have taken for granted, and without careful examination, that the Court has jurisdiction in this matter to decide upon the validity of the Act under which the defendants were elected as Supervisors of the County of Oahu and under which Act they claim to be Supervisors, have qualified as such by taking their oaths of office, giving their official bonds and accepting their certificates of election as such Supervisors, and in further conformity with which Act they are exercising their official functions by fixing bonds for other County officers, they present the following authorities:

The Statute (Sec. 1635 C. L.) defines a writ of quo warranto as "an order issued in the name of the Territory by the Supreme Court in term or by any Justice thereof in vacation, and directed to a person who claims or usurps an office in a corporation, inquiring by what authority he claims to hold such office." This Act, being Chapter 39 of the Session Laws of 1876, does not appear to have been expressly repealed except by inference in the Judiciary Act of 1903, by implication, the latter Act not giving the Supreme Court or any Justice thereof jurisdiction to issue writs of quo warranto, while the power is given to Circuit Judges at Chambers.

So far, however, as the nature of the writ and its functions are defined by the Statute of 1876, the Statute may properly be regarded as still in full force.

But even at common law the acts already done by the Supervisors in their official capacity would, if unauthorized by reason of the invalidity of the County Act, be equivalent to a usurpation or assumption of the office.

No stronger case than this can be presented for the exercise of the judicial power to determine upon the validity of the County Act. In view of the irreparable injury which would result from acts done under an unconstitutional Act, it would be better for all concerned to know, before County government is in full operation that the Act is invalid than to wait until the mischief is done which might and naturally would follow from acts performed under an unconstitutional statute. In no case is quia timet jurisdiction in equity, or bills of peace or to remove a cloud upon title invoked upon broader or clearer grounds, than those on which the jurisdiction of this Court rests in the present case.

2. The Rule of Construction: to sustain the Act if possible.
The County Act, according to this rule, must be sustained unless clearly in violation of the Organic Act. Numerous cases cited in the Attorney General's brief in the case of the Board of Public Institutions against the Superintendent of Public Works recently decided in this Court, are referred to as amply sustaining this rule. This Court itself in its opinion in that case approved the rule.

The Court in *Presser vs. People*, 116 U. S. 252, said: "It is a rule of construction that a statute must be interpreted so as if possible to make it consistent with the Constitution and the laws."

"It ought never to be assumed that the law-making department of the Government intended to usurp or assume power prohibited to it. And such construction, if the words will admit of it, ought to be put on its legislation as will make it consistent with the supreme law." The foregoing language by the Supreme Court of Mississippi is approved by the U. S. Supreme Court in *Grenada vs. Brown*, 112 U. S. 261.

THE OLD RELIABLE



3. The County Act is valid notwithstanding each and every objection to its validity mentioned or suggested in the plaintiff's petition.

The power of the Legislature to make whatever changes are made by the County Act in the functions and duties of the Territorial offices prescribed by the Organic Act is to be found in the express power given to the Legislature by the Organic Act to "create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof." (Sec. 56, Organic Act). It must be taken to be true that Congress in granting this express power intended to modify and call special attention to the importance, in its opinion, of the exercise of the legislative power, inasmuch as the power would have existed under the general grant of legislative power extending "to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable." (Sec. 55, ib.). It also ought to be taken to be true that the kind of County Government intended by Congress was the same kind with which every member of Congress was familiar, which gave to the electors of each County similar powers with those of Hawaiian electors by the Hawaiian County Act now before the Court.

As to the County Act containing two subjects.

This subject was very elaborately argued and was decided in the Cooper case above mentioned. There is no doubt about the general rule that where two subjects are contained in an Act and only one of them is expressed in the title the Act is good so far as that portion of it which is expressed in the title. As the Supreme Court say in *Unity vs. Burridge*, 13 Otto 447, "In such a case the provisions of the law touching the object which is expressed in the title must stand. Those relating to the other objects not expressed in the title alone fall." By such a construction applied to the County Act only that portion referring to the Board of Public Institutions is void.

This Court has held in the Cooper case that the requirement of the Organic Act "that each law shall embrace but one subject which shall be expressed in its title" is mandatory and not directory.

That decision also held that the portion of the County Act which provides for "the management and control of public works and public institutions therein" is void, being a separate and distinct subject from the main subject of the Act as shown in the title, to-wit: "An Act providing for the organization and government of Counties and Districts;" a separate and distinct subject "with which the Counties were to have nothing to do."

But it does not follow either on principle or authority that the rest of the Act is void for this reason.

The rule that the whole of an Act is void if it contains more than one subject applies only in those cases in which it is impossible to choose between the two subjects, holding the Act valid as to the one and void as to the other.

"But this rule will apply only in those cases where it is impossible for an inspection of the Act itself to determine which Act, or rather which part of the Act, is void and which is valid. Where this can be done the rule does not apply, unless it shall appear that the invalid portion was designed as inducement to pass the valid, so that the whole taken together will warrant the belief that the Legislature would have passed the valid part alone." *Id.* Sec. 103.

All this is explicitly recognized by the Court in the Cooper decision in which case the Court say of Section 45 of the Organic Act requiring each law to have but one subject that it "should be liberally construed;" and that an Act "should not be held void on the ground that it conflicts with this provision except in a clear case." Also that "it is sufficient if the various parts of an Act have a natural connection, are fairly well embraced in one subject though somewhat general and expressed in the title."

(d) As to the claim that the County Act was not properly passed in consequence of the House not adopting the conference report by an aye and no vote, failing to take a separate aye and no vote on the express question, shall the bill as now amended be passed.

Before considering the effect upon the validity of the County Act of the above mentioned legislative procedure, the Court would have to decide that it can and ought to go behind the Act itself and consult the Journal of the House to ascertain whether the House had complied with the provisions of the Organic Act concerning legislation.

A record although required by the Organic Act.

The general reasoning on which Courts refuse to look into legislative journals for the purpose of impeaching the legality of the enactment of a statute is that the Journal is liable to be tampered with or being hastily prepared to omit by mistake maybe things which we know were done by the Legislature and fail to record correctly what was done.

A further reason for the same view is that no one could rely on a law being valid until he had seen the Journal of each House and ascertained whether the law had been enacted correctly. Even then it would be essential, before finally concluding that there was a law to wait until the Courts had passed upon these things. All this in many cases would work incalculable harm and uncertainty and cause grievous uncertainty about the validity of laws. Legislative journals may not be published or be accessible to the public at large for a long time after the laws are published and take effect. In *Field vs. Clark*, 143 U. S. 649-671 (36 L. E. 294-303) this question was fairly presented.

While claiming, then, as defendants' counsel do, that the County Act cannot be impeached by showing from the House Journal that it was not enacted as required by the Organic Act, upon passing to a third reading, it is also submitted that the showing made from the House Journal, if admitted as competent testimony, would not be sufficient to invalidate the Act.

It appears before the Act went to a Conference Committee it had been read three times in the House and it is to be inferred that upon the third reading the ayes and noes were taken.

Amendments "are not subject to the same rule as bills in regard to the number of readings. They must be germane to the subject of the bill and are not required to be read three times nor does concurrence by one house in amendments made by the other require the ayes and noes and their entry upon the Journal under the provision for these things on the final passage of bills." *Sutherland, Sec. 49* and cases cited from Ohio, South Carolina and Illinois.

There is no doubt that it was the intention of the House upon adopting by an aye and no vote the report of the Conference Committee, to pass the bill as amended. If the chairman had put the question: "Shall the conference report be adopted and the bill passed?" there would be no question that the bill was passed, and it is submitted that the adoption of the conference report, taken in the formal manner in which it was taken by ayes and noes, is fully equivalent to the passage of the bill as amended.

There are not wanting cases that such requirement in the Organic Act is directory and not mandatory and that a failure to comply with it does not invalidate the law. Such appears to be still the law in Ohio and was the law in California until its new Constitution made the requirement imperative. *State vs. Corrington*, 29 Ohio 102; *Washington vs. Page*, 4 Cal. 388; *Pierpont vs. Crouch*, 10 Cal. 315.

Is not the law of the great States of Ohio and California good enough for Hawaii, at any rate in its early efforts at territorial legislation? Is it necessary that the Court should seek from all the States in the Union for decisions on which to invalidate the County Act? Is it not at liberty to apply its own convictions of right and justice in this matter?

Certainly with the authority of the Supreme Court of the United States above mentioned this Court would be amply justified in refusing to declare the County Act invalid for the reason last above mentioned.

On all of the grounds, therefore, which have been presented and upon each of them the defendants' counsel claim that the County Act is not made invalid but stands as the law of the Territory.

FATHER CLARK'S ONE DAY IN HONOLULU

Cablegrams and letters have for some time been flying back and forth between Australia, New Zealand, Tasmania and the headquarters of the United Society of Christian Endeavor in Boston, at a surprising rate; and they all relate to the proposed visit of the President of the United Society to Australasia.

For a long while the invitation has been extended and often urged, but hitherto Dr. Clark's duties in other parts of the world have prevented him from repeating the visit he first made to these great colonies eleven years ago. But at length he felt that it should be delayed no longer, and he has probably sailed from San Francisco on the Sierra en route to Australia, and will spend one day in Honolulu.

Active preparations have been made in Australia for the visit, and conventions have been arranged for to all the large Australasian centers of population.

One month will be given to New Zealand, nearly two months to the different states of Australia, and a few days to Tasmania.

The committees in charge of the proposed meetings are arranging to publish articles concerning Christian Endeavor in all the leading papers, both secular and religious, with many pictures of Christian Endeavor leaders and Christian Endeavor scenes in many lands. They also propose to have lantern lectures about the society and its work in many of the larger cities, in preparation for this three months' campaign.

Dr. Clark has been assured from many sources that his visit just now will come at a "strategical time." He expects to return by way of Europe, attending the great European convention in London.

Sale To Liquidate Copartner- ship of Puuloa Sheep and Stock Ranch Company.

The copartnership known as the Puuloa Sheep and Stock Ranch Company, composed of George W. Macfarlane, E. C. Macfarlane and Henry R. Macfarlane, having been dissolved by the death of E. C. Macfarlane, February 16th, 1903, for the purpose of finally liquidating and closing the said copartnership with the consent of the survivors thereof, the undersigned, George W. Macfarlane, Fred W. Macfarlane and Henry R. Macfarlane, executors, and Florence B. Macfarlane, executrix, of the Last Will and Testament of E. C. Macfarlane, deceased, duly appointed, qualified and acting, having filed a certain verified petition in the matter of the said Estate of E. C. Macfarlane, deceased, in the Circuit Court in and for the First Judicial Circuit of the Territory of Hawaii, in which the matter of the said estate then was and now is pending, before the Honorable George D. Gear, Second Judge of said Circuit Court, sitting at Chambers, and made returnable before the said Honorable George D. Gear, as said Judge, on Monday, November 16th, 1903, at 10 o'clock a. m. of that day, and the said petition having been duly heard and granted by said Honorable George D. Gear, as said Judge, on the date last aforesaid, and the said Honorable George D. Gear, duly signed an order, judgment and decree granting the prayer of said petition, and, on December 1st, A. D. 1903, having also signed an order modifying and amending the said order, decree and judgment, as by reference to the said petition and orders, on file in said Circuit Court, and to all the proceedings relative thereto, will more fully and at large appear.

Now therefore: Under the law and the proceedings and each of them aforesaid, for the purpose of finally liquidating and closing the copartnership aforesaid, and in conformity with the order, judgment and decree aforesaid, to which the survivors of the said copartnership, George W. Macfarlane and Henry R. Macfarlane, have consented in writing, as by the petition aforesaid fully appears, the undersigned, George W. Macfarlane and Henry R. Macfarlane, survivors of the said copartnership, as said survivors, and the undersigned, George W. Macfarlane, Fred W. Macfarlane and Henry R. Macfarlane, executors, and Florence B. Macfarlane, executrix, of the Last Will and Testament of E. C. Macfarlane, deceased, will offer for sale and will sell as a whole, at public auction, through James F. Morgan, auctioneer, hereby chosen and designated for that purpose, at the auction sales rooms of said James F. Morgan, Nos. 347-357 Keahumanu street, in the city of Honolulu, Island of Oahu, Territory of Hawaii, on Saturday, January 9th, 1904, at the hour of 12 o'clock M. of that day, to the highest bidder, beyond or for the sum of twenty thousand dollars, the entire property, assets, and goodwill of the said Puuloa Sheep and Stock Ranch Company, consisting of the following, viz:

DESCRIPTION OF PROPERTY.

List of Freehold and Leasehold Lands and Improvements, Sheep and other Live Stock and Property owned by the Puuloa Sheep and Stock Ranch Company, viz:

FREEHOLD LANDS.

LAND OF OULI, Ahupuaa, containing 4,000 acres, more or less, and extending from the sea, near Kawahae, to the top of the Kohala range of mountains, with a stream of water running through same, said stream having its origin in those mountains.

LAND AT LIHUE, in Waimea, the former homestead of James Luzada and Frank Spencer, and formerly the headquarters of the Lihue Cattle Ranch and Beef Packing Establishment, adjoining the land of Ouli and stream of water running through it, containing 50 acres. This also has a and is a beautiful block of land.

LAND OF AHULI, in Waimea, the former homestead of Edward Sparke, and formerly the headquarters of the Sparke Sheep Ranch. This is probably the finest residence site in the district of Waimea, and is a magnificent block of land having an area of 22 acres, through which there is also a running stream of pure water.

There are valuable stone fences and pens on the above properties.

The two last mentioned fine blocks of land are very advantageously situated, and are almost in conjunction with the fine residence property of the late Hon. John P. Parker, the headquarters of the Parker Cattle Ranch.

These lands are covered with fine Manile Grass, ornamental trees, &c., and the climate of this locality has no rival anywhere else in the Islands, being at an elevation of 2700 feet and at the base of snow-capped Mauna Kea, where the average temperature is from 50 deg. to 60 deg.

LEASED LANDS.

LEASE OF THE LAND OF HOLOKAWAI, near Waimea, from the Hawaiian Government, containing 1035½ acres, and expiring January 10th, 1909. Rent, \$62.45 per annum. There are two streams of water from Mauna Kea running through this land.

LEASE OF LAND AT WAIMEA

School for Sugar Industry

SCHOOL FOR SUGAR-INDUSTRY AT BRUNSWICK; Established 1872; Subsidized by the Government; Enlarged 1876.—Frequented hitherto by 1222 persons. Commencement of the preparatory course, February 12, of the Principal course, March 1, 1904.

The Direction: { PROF. DR. FRÜHLING and DR. A. RÜSSING

from Crown Commissioners, containing 258 acres, expiring June 1st, 1909. Rent, \$250 per annum. The boundary of this land on one side is on the Wai-koloa stream.

LEASE OR MEMORANDUM OF AGREEMENT between the Puuloa Sheep and Stock Ranch Company and John P. and Samuel Parker, for running sheep on a portion of the large Ahupuaa of Waikoloa, in exchange for Ranch of running cattle on the Sheep Co.'s lands. This agreement expires in 1909.

There is also a lease, just expired, of Crown lands in Waimea, which the Puuloa Sheep & Stock Ranch Co. and its assigns, have held for 50 years, containing 679 acres, of which they are now in possession; and they have made application to the Territorial Government for a renewal of the lease. This application has not yet been acted upon.

THE IMPROVEMENTS.

Consist of a Dwelling House of Manager at Keamoku, Men's Quarters, Large Shearing Shed, Yards, Pens, Wire Fences, Stone and Cement Cisterns, &c., and the following appurtenances, viz: Wool-Press, Iron Water Tanks, Redwood Water Tanks, Harness, Furniture, Scales, Sheep-Shears, Wool Packing, &c., and the following:

LIVE STOCK.

7,000 Sheep, more or less, including Ewes, Rams and Lambs;
25 Work Horses;
40 Mares and Unbroken Foals;
6 Team Horses and Hauling Wagons;

The whole comprising a complete Sheep and Stock Ranch.

The sheep are principally of the Merino breed, crossed with Southdown and Shropshire, and the wool produced by the Ranch has always commanded the highest price in the Hawaiian Wool Market.

TERMS OF SALE.

No bid for less than twenty thousand dollars, in gold coin of the United States, will be received.

Cash, in gold coin of the United States, payable as follows:

1. Ten per centum of the purchase price, at the time of sale, upon the fall of the hammer, to be paid either in gold coin of the United States to the survivors above named, George W. Macfarlane and Henry R. Macfarlane, or in a certified check or certified checks, payable to their order.

2. The remainder of the purchase price, within ten days after confirmation of the sale by the Judge of said First Circuit Court, before whom the said Estate of E. C. Macfarlane, deceased, may then be pending, and, upon the execution and acknowledgment by the undersigned, survivors, executors and executrix as aforesaid, and by each of them individually, of all conveyances, deeds, bills of sale, and other instruments, necessary to the full consummation of said sale and to the vesting of the title to the said property, real and personal, and of the good will of the copartnership aforesaid, in the purchaser, and concurrently with the delivery of the same and of possession of the said property to the purchaser.

All deeds, bills of sale, and other papers at the expense of the purchaser.

Further particulars can be obtained at the law office of Henry E. Highton, corner of Foxt and King streets, at the law office of Hatch & Ballou, Stangenwald Building, Honolulu, or from the undersigned, George W. Macfarlane or Henry R. Macfarlane.

Dated Honolulu, H. T., December 1st, A. D. 1903.

GEORGE W. MACFARLANE,
HENRY R. MACFARLANE,
Survivors of the Copartnership of Puuloa Sheep and Stock Ranch Company.

GEORGE W. MACFARLANE,
HENRY R. MACFARLANE,
FRED W. MACFARLANE,
FLORENCE B. MACFARLANE,
Executors and Executrix of the Last Will and Testament of E. C. Macfarlane, deceased. 2543-8t

